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The Civil Contract of Photography

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Chapter Three

The Spectator Is Called to Take Part

Photographs are present in our world as objects, products of work, even though photography ontologically resembles action more than work. That is because work, according to Hannah Arendt, is characterized by a clearly demarcated beginning and a predictable end. The products of work, although destructible, create the world within which we dwell. Some might say that the gesture of taking up a camera and pointing the lens toward someone or something may be described as the moment when photography begins and a photograph is produced, while the printed or computerized image may be perceived as the moment of completion of this work. But those who have engaged with photography know very well that this moment of the photographic act, which is said to reach its end when incarnated in a final product, a print or digital file, is in fact a new beginning that lacks any predictable end.

This is the precise definition of action that Arendt gives in order to distinguish it from work and labor. Even when a spectator merely glances at a photograph without paying special attention to what appears in it, the photo rarely appears to the gaze as a mere object.[1] The photo acts, thus making others act. The ways in which its action yields others' action, however, is unpredictable. In addition to noting this indeterminacy, which is oriented toward the future, Arendt describes action in terms of overdetermination when she contends that action is irreversible. The deed cannot be undone. Photography is bound to this description: The image inscribed within it cannot be undone. But as Arendt further argues, the action depends on

others' actions, and as a result of this plurality, it will never reach its goal. On account of this plurality, the overdetermination of action should be reconsidered.

Photography as Civil Action

A diagram of a photograph might be of help here. Two armed soldiers stand behind the dead body of a Palestinian (figure 3.1).[2] They are posing for a photo being taken by another soldier, preparing a souvenir to take back home. Their action is irreversible — it is inscribed in the photograph forever. Only a few yards from where they stand, however, outside their visual field, is another photographer. Although they probably could not glimpse his presence, their action is entangled in this photographer's action and is thus prevented from attaining its end. Even if the three soldiers travel home with their desired photo still hidden in their camera, the action of the other photographer, who shot the photograph we are now viewing, will have caused their action to deviate from its path.

If the action's sense is articulated only through a subsequent action in which it comes about and is potentially completed by others, we should ask what is irreversible in the action.[3] The action's sense is never in the action itself. It can take many different, even contradictory paths, depending on the next *énoncé*, which will determine how the action will be articulated through the determination of one out of many senses and directions. What is irreversible in the action is this node or conjunction of potential plural senses.[4] As Arendt claims, no one can destroy or undo her own action, even if one does not like the action or its possible results. This is why, for Arendt, forgiveness is the only action that can relieve a person from the irreversibility of her action. If we focus only on this node as the kernel of irreversibility, what is revealed is the fact that the entanglement of actions in others' actions constantly pulls the initial actions away from what might be perceived as their irreversible results.

Let's return to the photograph. Shuttered shops can be seen in the background. The soldiers are wearing uniforms and helmets, armed with submachine guns in the manner of soldiers on a combat mission. But in the photograph, they look relaxed, as if they have completed most of their work and can now unwind to pose for a pic-

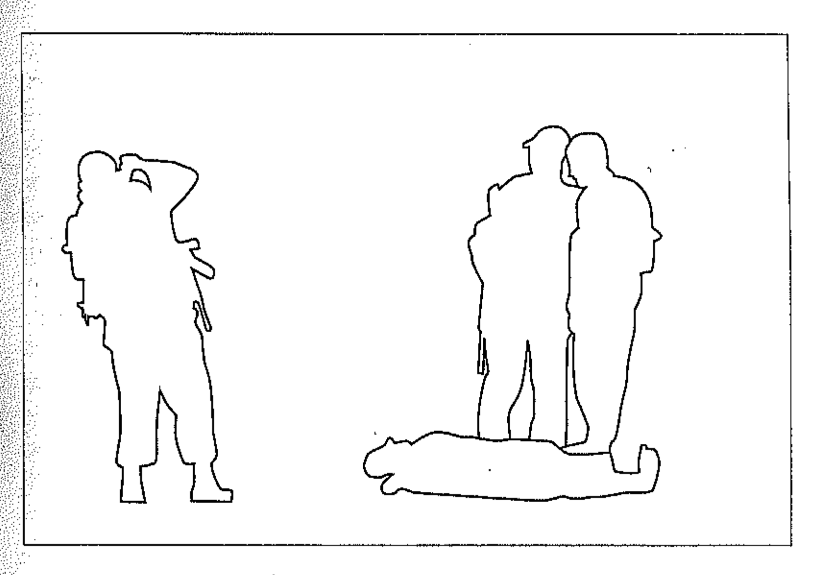


Figure 3.1. Based on a photo by Yariv Katz which was taken at Baqa Al Sharquia in 2002 and is now shown on the Web site: http://commondreams.org/headlines02/0224-04.htm (last accessed on March 20, 2008).

ture to commemorate the day's victory. Each soldier brandishes his rifle with one arm, pointing it at the corpse of the Palestinian lying on the ground. One of the soldiers appears unable to tear his eyes away from the body lying at his feet; the other gazes directly at the camera. Both soldiers are laughing. One laughs as he looks at the body, as if to say, "Look at that!" The other soldier is smiling, as if preparing himself to be photographed, and trying to look his best. He may be recalling that years ago, he was taught to smile when having his picture taken, otherwise the photo might look stiff or frozen. From his perspective, the situation seems appropriate for picture taking and an occasion to smile. The soldiers' laughter would presumably have been erased from the photograph if the presence of a "foreign" photographer — foreign, that is, to the masters of the land — had penetrated the purified space in which they were freely and happily posing for pictures. This laughter, even if involuntarily uttered, is addressed to the soldier who is taking their picture, a photographer of whose presence they are fully aware. It is laughter that

assumes a partnership, displaying a total insensitivity toward anyone who is not part of that partnership. The camera that the soldier levels his gaze on is not that of the photographer from whose position we now view the photograph. It is rather the camera held by the third soldier within the photograph, the one who is taking his friends' picture, whom we, as spectators, see from behind. This photographer, the soldier with his back turned toward us, is unaware of the presence of those watching him — first and foremost that of the other photographer, Yariv Katz, taking his picture. The soldier-photographer himself does not focus on the other two soldiers, because his camera is aimed beyond them, as though he were saying to them "Be patient with me; the dead man isn't going anywhere" while he chooses to take pictures first of some Arabic inscription or graffiti on the wall.

The soldier who is staring at him appears insistent. He is determined to have his picture taken with the body of the Palestinian, having assumed that his comrade, the photographer — the soldier taking the picture — wouldn't want to miss this opportunity to take such a picture. Most likely, he is not mistaken, and it is highly probable that their picture with the body was in fact taken. There is no need to see the picture they have taken in order to discern the tacit agreement between the three soldiers that there is no dimension of urgency in regard to the dead person beside them. The dead body lying at their feet can be seen as a silent testimony to this fact. It is covered with a military blanket, its bare feet protruding from one end of the blanket and the head protruding from the other. If it were completely covered, the soldiers themselves, or perhaps some of the viewers they imagined when they gathered around the body, might not have been convinced that they actually took a picture with a dead body. This attention to detail is also visible in the positioning of the shoes that have been taken off the body. Even if, for some reason, their friend actually had failed to press the camera button and had failed to produce the picture they had hoped for, this wouldn't in any way cancel out what is visible in the photograph before us — that is, the soldiers' preparation to secure a souvenir or trophy photo with a dead body. It seems more likely to assume, though, that a few moments later, their soldier-photographer friend finished the aimless photos he was busy with and turned his attention to his two friends. It is evident that in his view, too, nothing seemed urgent except the collection of trophies of the kind that enable soldiers to run their gaze over the governed person's full submissiveness and to mark, like a chasm separating them, that this dead person is of no importance — he is not "one of them." And yet, staking their claim through the act of photography, this dead person is "theirs," and they are entitled to decorate themselves with his death.

The Palestinian in the photograph is dead. He can no longer act. It is impossible to comprehend what it is that that allows the display of this indifference in broad daylight unless one studies the background of the photo. Just a few meters away from the dead Palestinian, hundreds of thousands of Palestinians are imprisoned in their homes under orders that prohibit them from approaching the dead person, from covering him properly, from paying their last respects and burying him in the ground. We do not know whether it is a curfew order, full or partial, that prevents them from approaching the dead, or if there are other orders from the penal colony. One way or another, they are the present absentees of this photograph. They are not imprisoned in jails — they are sitting behind shuttered shops a few yards away, hidden on the roofs of surrounding buildings, locked in rooms, confined to their homes, or simply expelled from the arena, fully aware that no one will take care of their dead. Their space of living is strictly controlled by the Israeli Army.

The space of plurality, which is the necessary condition for any action in Arendt's sense, is forbidden to the noncitizens. Once excluded from citizenship, their access to the space of action has been restricted. Many channels for negotiation have been blocked from them, and only occasionally can their action take place in a space of plurality, or in what Arendt has called "the space of appearance." When the three soldiers transformed the dead Palestinian into a mere decoration in the background of their photograph, they intensified the Palestinians' condition as noncitizens.

In so doing, the soldiers unintentionally expressed a flaw in their own citizenship whereby their action lost the space of plurality and became a uniform action. The photographer who found a gap in the curfew and pointed his camera toward the soldiers, deviating the

sense and direction of their action, thus restored the conditions of plurality to the space of action. Although plurality cannot erase structural inequalities and discrepancies between the different protagonists, the space of plurality undermines the apparently stable conditions of domination.

In the situation exemplified by this photograph, the game of negotiation over the distinction between what is just and what is unjust, what is correct and what is incorrect, thus has, once again, begun. The game has only partially opened up, as stated above, since the Palestinians are noncitizens, and, as such, they are excluded from taking part in the political game in which this negotiation takes place. Palestinians participate only at the margins of this game, through alternative channels where they can impose themselves as players.

Although Jean-François Lyotard names this game where the just and unjust are objects for negotiation the "pragmatics of obligation," the civil dimension of photography challenges Lyotard's claims about the nature and structure of this negotiation. According to Lyotard, in this game of prescriptions, orders, and obligations, the addresser's position remains hidden: "One does not know who is speaking, and one does not know why what is said is said." Consequently, he argues, "to understand what a prescription or an obligation, the pole [instance] of the sender [addresser] must be neutralized. Only if it is neutralized, will one become sensitive, not to what it is, not to the reason why it says what it says, not even to what it says, but to the fact that it prescribes or obligates."[5] The addresser of the prescription, the commanding other, has a transcendent character, though only if "the transcendence is empty."[6] Obligation cannot originate in someone's address, and, whatever the case may be, no one has the authority to address an obligation.[7] The addressee has a considerable responsibility: "for us, a language is first and foremost someone talking. But there are language games in which the important thing is to listen, in which the rule deals with audition. Such a game is the game of the just. And in this game, one speaks as one listens."[8]

However, when cameras are in the hands of so many, new modes of questioning and arguing over how citizens coexist and how they are governed are available. From the moment when photography

became a tool available to the masses, a new form of civil relations was enacted that was not mediated by sovereign power. Whether one occupies the position of the addresser of a photograph or its addressee, one is always, at the same time, a citizen. Even if one is a noncitizen in the state where one is governed, in the citizenry of photography, one is a citizen. Under these conditions, by neutralizing the pole of the addresser and preserving the "transcendent character of the other," one actually intensifies the harm done to the addresser.

By contrast, when an injured person tries to address others through a photograph, she is becoming a citizen in the citizenry of photography. We can illustrate this by looking at a few photographs from the Occupied Territories. These photographs show Palestinians receiving medical care under unbearable conditions (see figure 1.1), a crowd of workers waiting at the checkpoint for hours (see figures 4.2 and 4.3) or the photo of the two women whose babies died at the checkpoints (the photo of Chaira Abu-Hassen and Amia Zakin, see figure 7.1). In each of these photographs, I can read the consent of those who are photographed. They are ready to take the first step of making a civil address: the presentation of a grievance. *Over there, within the photo, someone addresses me; she claims my civil gaze, struggles for her citizenship in the world of photography, and puts my own citizenship in the state into question.* A photograph is an *énoncé* within the pragmatics of obligation. It commands the restoration of the addresser's position — as the governed and as a citizen under the civil contract of photography — whenever this position is endangered or harmed.

No special talent is required in order to listen to an injury claim. The traces of the injury are imprinted on the surface of the photographic image, awaiting a spectator to assist them. An addresser initiated the restoration of the conditions of visibility through the reconstruction of the four elements of the photographic *énoncé*: addresser, addressee, referent, and meaning. The spectator is called to take part in this restoration. She is not expected to complete the job. The photograph she faces testifies that *an* addressee has already taken part in the restoration of civil conditions. Since photography is always an action taken in the plural, no one can be the author of the

photograph: "as nobody does [the action], it is not done."[9] In order to participate, to take part, the spectator, too, should become a citizen of photography.

The photograph is sealed by the injury, which it frames as an object of intervention. Within a new framework of time and space, the photograph creates new conditions for moral action.[10] These conditions differ from their predecessors in that the "here and now" no longer serves as the sole organizing framework of moral action, which thus allows for new objects to appear.[11] Photography is one means for the deterritorialization of national boundaries: in the modern era, the spectator can be anywhere at any time. At the time and place of the photographic act, a spectator has the power to translate her gaze into action—whether as a photographer, as one of the various agents who have commissioned the photograph, as a member of the public who demands to see by sending the photographer as proxy, and even after the fact, in some other place. The citizen of photography enjoys the right to see because she has a responsibility toward what she sees. Never before has there been such a responsibility of such a dimension, directed toward all of the potential citizens of the citizenry of photography. Once the modern citizen had in her possession the modern technology capable of documenting the horrors perpetrated throughout the world, she found herself sharing with others the responsibility toward the photographed.[12]

In *The Imperative of Responsibility*, Hans Jonas asserts that the concept of responsibility emerged with modern technology. The latter gave rise to the conditions for turning the Kantian imperative from "you can because you must" into "you must because you can."[13] Every citizen in the citizenry of photography has equal rights, but photography continues to testify to the enormous inequality that reigns outside. This inequality among equals imposes a common, though not equal, burden of responsibility on the shoulders of all citizens of photography.

Observing, once again, the scene depicted within the photograph of the soldiers posing over the body of the dead Palestinian, one may track down the soldiers' behavior. Excluding the Palestinian from having citizenship in the state where he was governed is perceived by the soldiers as all-out permission to exclude him from the sphere of

civil action altogether—which means exclusion from citizenship in the citizenry of photography. In the citizenry of photography, despite behaving as if they were masters of the Earth, these soldiers are not given preferential treatment, and the very photograph in which they manifestly have assumed the dead Palestinian to have been excluded from the sphere of civil action is their writ of indictment. Their photograph of themselves with the body was presumably distributed among friends, for whom the dead Palestinian was merely a laughing matter. Among the soldiers' audience, no one was called by the photograph to testify to the civil status of the photographed.

A citizen of photography, however, would take part in the restoration of the photographic *énoncé* and its transformation into an emergency claim. The photo taken by the soldier—from which we can view, through another photograph, only the action of its being taken—was never distributed. Its end is unknown, but only several yards away from the soldiers stood another photographer who watched what was happening and thought it was proper to record it: not a photograph of soldiers next to a body, but of soldiers having their picture taken with a body. This is the photograph we are looking at now. It is a photograph whose addresser, the other photographer, used the civil contract of photography in order to protect the photographed dead Palestinian from the omnipotence of the soldiers, who thought they could do as they pleased within the citizenry of photography.

The Conquest of the World as Picture

Shortly after photography's appearance, the process of what Martin Heidegger called "conquering the world as picture"[14] commenced. In the modern technological era, "We are in the picture," Heidegger wrote:

> "Picture" here does not mean some imitation, but rather what sounds forth in the colloquial expression "We get the picture" [literally, we are in the picture] concerning something. . . . "To get into the picture" [literally, to put oneself into the picture] with respect to something means to set whatever it is, itself, in place before oneself just in the way that it stands with it, and so to have it fixedly before oneself as set up in this way.

Thus, "'to get the picture' throbs with being acquainted with something, with being equipped and prepared for it.... Hence, world picture, when understood essentially, does not mean a picture of the world but the world conceived and grasped as picture."[15]

In this era, photography became a prime mediator in the social and political relations between citizens, as well as the relations between citizens and the powers that be.[16] We thus live in an era in which it's difficult to conceive of one single human activity that does not use photography or at least provide an opportunity for it to be deployed in the past, present, or future.[17] Newspaper reportage, jurisprudence, medicine, education, politics, family, entertainment, and recreation – everything is mediated by photography.[18] There are virtually no restrictions on the use of photography in public space.[19] Everyone and everything is liable to become a photograph. However, there are exceptions – military zones, for instance, and other enclosed spaces where rules concerning the use of photography are fabricated by those in charge.[20] In certain domains, the use of photography is a duty (identity photos for official documents) or normative (class photographs for official ceremonies). Most often, though, the encounter with photography does not require an explicit consent from its users, whether they are photographers or spectators.

What has yet to be conquered, however, is always susceptible to being conquered. The conquest of the world as picture was not hastily undertaken, nor did it emerge out of oppression. This process was not directed from on high, by means of a central body that administered the use of photography, nor did it regulate the infinite output that was produced. Photography functions on a horizontal plane. It is present everywhere – actually or potentially.[21] The conquest of the world as picture is enacted simultaneously by everyone who holds a camera, serves as the object of a photograph, or looks at photographs.

The conquest of the world as picture was photography's vision from the very beginning and is newly performed at each and every moment. The dynamic partnership of "everyone" in the fulfillment of this vision, their participation in the conquered world (as picture) and in the powers that conquer (the photographer and spectators), however, actually prevents the completion of the process of turning

the world into a mere picture. This partnership makes the conquest of the world through the accumulation of more and more pictures an ongoing and unfinished project. Within a social context, the logic of photography exceeds the singular act of photography and is woven into the net of a plurality of people where all are photographing at the same time, lending their human gaze and their mechanized gaze to others in a way that essentially escapes their control. This is the origin of the ontological difference that marks the status of the image in an era that began with the invention of photography. This is what allows the logic of photography to overpower social relations while at the same time providing a point of resistance against photography's total domination, initiating the responsibility to prevent the overdetermination of this domination.[22]

Here is a photograph which exemplifies the civil contract of photography. In 1988, the newspaper *Hadashot* sent reporter Zvi Gilat, translator Amira Hassan, and photographer Miki Kratsman on assignment to report on a soldiers' post built on the roof of the Abu-Zohir family's house. Mrs. Abu-Zohir demanded that the photographer take a picture of her legs, which had been shot with rubber bullets by soldiers from the Israeli Defense Forces. The photographer – who regularly took pictures of the marks of the occupation left on the Palestinian body, who had seen rubber bullet injuries before, and who was familiar with the *habitus* of his editors and their expectations in regard to photography – dismissed her request, claiming that rubber bullets do not make good pictures. He still had not seen her wound. His knowledge, however, was based on past experience, which was abundant. But the woman was insistent. She knew that her wound was singular, that her right to be photographed does not oblige anyone to see the photo, and certainly that she could not demand that an editor publish it. But she acted, nonetheless, as if it was her right to demand her photo be taken and that it is everyone's duty to witness it, a duty that does not stem from the law, the state, or the sovereign, but from the civil contract of photography. She is seeking to be recognized as one of the governed by means of, through, and with photography.

She has come face to face with a citizen: the photographer. He asks to see the wound before he fulfills her request. She refuses. She

will not expose her legs in public — her body is her own. Her participation in the civil contract of photography in this case is an agreement to be photographed — but not to be seen — by a photographer (figure 3.2).

Photographer: Show me your legs.
Mrs. Abu-Zohir: I won't show you my legs. You're not going to see my legs.
Photographer to translator: Explain to her that this photo is going to appear in the newspapers, and the entire world is going to see her legs.
Mrs. Abu-Zohir: A photo's a photo. I don't care if the photo is seen, but you're not going to be in the room with me when I expose my legs.

An agreement on being photographed? "Yes," says Mrs. Abu-Zohir, but there will be no wholesale agreement on photographer-photographed relations as the press dictates them. Instead, when Mrs. Abu-Zohir demands that the picture of her wound be taken, the photographer prepares the camera, directs its gaze, determines the exposure length, focuses the lens, deposits the camera in the female translator's hands, and leaves the room. The translator shoots an entire roll of film in order to obtain a single image, the one in front of which you and I now are placed as spectators. Mrs. Abu-Zohir's bare feet are planted on the ground, pressed to the floor, supporting the entire weight of her body as she stands staunch and upright. She levels her gaze at the camera — not at the photographer — he is clearly of no concern to her. She rolls up her pant legs, pulls up her skirt, and frames the injury. It's as if she were saying: "I, Mrs. Abu-Zohir, am showing you, the spectator, my wound. I am holding my skirt like a folded screen so that you will see my wound."

Alongside her stands a little girl, perhaps her daughter, who feels comfortable enough to walk barefoot. She is allowed to look. Perhaps she's even required to look, unlike you and me — the spectators of the photo. The girl signifies the distance between whoever looks at her and whoever looks at the photo. Mrs. Abu-Zohir has placed the girl beside her as a reminder, so that no one can mistake the photo for



Figure 3.2. Miki Kratsman, Mrs. Abu-Zohir, Balata Refugee Camp, 1988.

what is photographed in it, but also to ensure that no one will forget the continuity between the photo and what has been photographed.

Mrs. Abu-Zohir, when she lets her skirt fall back down, seeks to put an end to the photographic act. But the photo, existing in the public space, will not allow photography to end, nor will she alone dictate its course. This photo, from which her silent gaze looks out at you and me, will not let go. Nothing has concluded, though the hour of photography has passed.

Trust in Photography

Mrs. Abu-Zohir's request for a photograph of her injury is based on the assumption that the camera makes it possible to obtain as sharp, clear, and lifelike an image as possible of what appears in front of the lens. This is more than an assumption, it is an agreement among the citizens of the citizenry of photography concerning the status of the photographed and the possibility of a transition from the photograph to the photographed—that is, concerning access to what is imprinted on the photograph. This agreement is the *convention* of photography, which can be exemplified by two anecdotes that are well known to those who have studied or worked in the fields of cinema and photography.

The first concerns responses that the pioneering Russian documentary filmmaker Dziga Vertov received after he presented his films to peasants who had never seen a movie. Surprised and embarrassed by the close-ups, they adamantly objected to the cynicism of decapitating people for the sake of cinema. The second anecdote concerns an anthropologist who showed a Bushman woman a snapshot of her own son. The woman could not recognize her son's face until those around her pointed to every detail in the photograph, saying "here is the nose" or "here are the eyes." These two anecdotes describe people's first encounter with the medium of the image, whether it is cinema or photography. In the first anecdote, identification is extreme—to the point of total identification—between the filmed image and its reference, to such an extent that what appears on the screen seems to the peasants to be an actual person who has just been decapitated. For the woman in the second anecdote, the identification is so unfeasible that she does not recognize her son in the reference. The gesture of identification, expressed in pointing

out "This is X," thus characterizes the viewing of a photograph by the spectator. The absence of this gesture, which reaches the extreme among inexperienced spectators such as those described in these anecdotes, indicates that the experience of the narrators of the anecdotes, their confident assumption of the referential character of photographs, was in fact gathered through practice and socialization.

When various teachers and writers use these anecdotes, they wish to expose the fact that photography and cinema are practices of representation that are culturally dependent and that a particular mode of representation is not to be taken for granted. So far, so good. But these narratives obscure as much as they reveal about this convention that is the photographic image. The narrators distinguish themselves from other spectators by the mere act of revealing that the image is constructed as a convention. The ritualistic dimension of repeatedly revealing the existence of convention transforms the act of storytelling into an instrument of the socialization of the spectator—socialization into an allegedly "critical position" of suspicion of any photographic image because its conventional mode has been revealed.

Attention paid to the socialization of the spectator leaves out a crucial element of the civil contract of photography. Although restricted to a general claim about the cultural conditioning of photographic representation, such narrations allow the one who relays them to believe that a deep truth has been exposed, all the while ignoring the obligation she has toward the social agreement of the *photographed*, which lies at the heart of the civil contract of photography. The narrator considers photography's cultural dependence to be a negative feature, the secret of photography that must be exposed, rather than what characterizes the conditions of the visible in this era. In other words, transmitting such anecdotes often absolves the transmitter from actually grappling with their content. As soon as they are spoken, everyone knows that the storyteller is aware of photography being a convention, and critical analysis of the further elements of the convention stops. However, the fact that these anecdotes can be told again and again (and by a vast number of people) and that the narrator or her listeners can reveal the secret every time without ever exhausting the secret should necessitate a new inquiry into the convention of photography and its status as a secret.

Even in a society accustomed to photography, one in which disputes occur over what is represented, carried on by various experts who linger over the image in order to make it speak, the fact that photography is a convention is simultaneously visible and concealed. The secret that unveils photography as a convention is usually related to the level of representation — what is seen in the picture can be identified by people belonging to the same culture in which they have been trained to see photographs and to identify similarities between such photographs and the photographed object. Graphics (arrows indicating who or what is shown in the picture) or linguistic signs (words or concepts that organize the seen so that it will not escape the eye of the spectator) assist in the construction of meaning out of the various marks printed on the surface of a photo. These signs facilitate the gesture of identification — "This is X." The signs themselves, as well as the disputes over their reference, attest to the fact that the photograph does not speak for itself, that what is seen in the photograph is not immediately given, and that — yet again — its meaning must be constructed and agreed on.[23]

As demonstrated by the above anecdotes, however, the inquiry into the convention of photography focuses on the plane of the visible while leaving in shadow, and perhaps even in secret, the convention of photography as it exists on the plane of political relations. Speaking of the convention as "the thing agreed on" — that is, the object of agreement — undermines the fact that a convention is first and foremost a gathering, as indicated by the Latin root of "convening," *con-venir*, meaning coming together, coming to an agreement.

Most histories of photography ignore this element of the agreement that is involved in photography,[24] along with the social relations shaped by this agreement. These histories are written from a hegemonic viewpoint that accepts the institutionalization of photography as a movement toward progress in the finalized determination of knowledge. Accepting the motif of progress as the self-evident, central axis for the unfolding of events, these histories overlook the fact that from its very beginning, photography has been a mass medium that violently and rudely fixes anyone and anything as an image in ways that resist finalized determinations and that invite the participation of others in the negotiations of what and how that

images signifies. Despite this, for almost two centuries, photography has still attempted the realization of the moment of convening that has existed within it from the very beginning.

In order to understand this agreement, it is necessary to question the conditions that brought about its achievement among people who were unfamiliar to one other. The origin of this agreement can be located at the point when a *certain type of photography* became established and acquired a monopoly within a very short span of time.[25] It is the conquest of the world as picture: photography as a representation of what "was there" and therefore as a basis for a decision concerning what is — what is true — based on limited epistemological criteria of identification. The various practices in which photographs are used tend to relate the photograph less and less to a framework of political relations in which one becomes a citizen and more often to a distributive system of finished products. Photography is presented as a dispenser of photos that requires nothing more than sorting, grading, presenting, rejecting, or framing. In discursive fields that regularly use photography — journalism, law, politics, social struggles, and humanitarian activities — this photography is thus reduced to the function of pointing at a reference.

The famous enthusiastic speech of the French physicist François Arago, delivered before the French Chamber of Deputies in 1839, allows us to isolate one constituent moment in this establishment. In his speech, Arago hoped to convince his colleagues of the importance of the invention and the necessity of the state to take steps to protect and promote it.[26] Arago pointed to the great potential of photography to assist in various fields of human endeavor, as well as in many different fields of knowledge, including philology, astronomy, archaeology, and art. However, the benefit of photography seems of secondary importance when compared to the truly great project that he implies in his remarks — and it is indeed the conquest of the world as a picture.

He saw that everything could be turned into an object of photography, more or less the entire world, while emphasizing the fact that anyone could participate in realizing the capabilities of the invention. According to Arago, the invention does indeed yield "experimental results among the curiosities of physics," but if this was the

only benefit of the invention, as he clearly states in his speech, "it would never have become a subject for the consideration of this chamber."[27] It is under discussion not only because a much larger community than scientists could handle it, but also because it has created a shift in the possibilities of conquering the world. Much more than single visual representations resulting from a large investment of practice, time, and resources, photography is an endless multiplicity of images of which anyone can become the producer and agent, simply by following a short set of instructions. "When, step by step, a few simple prescribed rules are followed, there is no one who cannot succeed as certainly and as well as can M. Daguerre himself."[28]

When reading Arago's vision it is difficult to miss the prophetic announcement of the imperialistic power of photography. Arago's enthusiastic arguments were intended to weaken or perhaps even to silence the voices of those opposed to photography and its institutionalization. Traces of those voices have barely survived in the discourse on photography, and the few times they are mentioned they are generally presented as reactionary and primitive for having ascribed magical properties to photography. Even when Walter Benjamin, who dreamed of writing alternative histories, and an alternative history of photography in particular, presented such voices through the dichotomy of conservatism and progress, he scornfully described such voices as opponents of the "Black Art from France."[29] Ever since photography's appearance on the stage of history, any possibility of repudiating what has turned into the self-evidence of photography, or photography as self-evident, has been drastically curtailed.[30] If, in photography, there was any measure of otherness — as its opponents at the outset insisted — it has been effectively denied and domesticated while photography has rapidly spread into every field of life and been assimilated into the modern landscape.[31]

Arago concluded his speech to the chamber on a patriotic note, depicting France as the bearer of glad tidings: "France has adopted this invention and from the first has been proud to be able to generously present it to the entire world."[32] The state responded to Arago's panegyric to photography and his demand that its inventors be rewarded by purchasing the patent rights and transforming the inven-

tion into common property.[33] The object of these glad tidings was no longer a mere technological invention, but a political revolution — a second French Revolution. Like the first, which formulated the "rights of man and citizen," this revolution reshaped the status of both man and citizen.[34]

The French state purchased the patent rights of the camera as fabricator of images, but it couldn't make the action of photography its own, because, as we have seen, photography, as such, can not be appropriated. Selecting the daguerreotype, Daguerre's invention, over the competing inventions of, for example, Talbot or Bayard, whose photos appeared less accurate and more pictorial, was a decision in favor of photography as a scientific tool for producing representations of nature with high "exactitude," to be used as an instrument of truth and transmitter of information on what "was there." This visual information could be used not just for scientific inquiry, but for legal, historical, or cultural purposes.[35] Distinguishing photography from painting (which does not hold an indexical relation with its object) separated photography from the logic of collections and exhibitions that were merely presented to the eyes of curious individuals. In the type of photography that was thus established, epistemological criteria set the standard for the relation between the photographic result and its object, so that photography is supposed to enable the identification and recognition of the photographed.

In addition to a few specific operating instructions for each chosen model, the instruction manuals supplied with every camera have given expression to these epistemological criteria: "the instrument you have in your hands is intended to help you obtain an image of reality that is as clear, sharp, exact and reliable as can be, under all visibility conditions, from any distance or angle." These criteria guide any use of photography, including the purchasing of photographic equipment, the ordering of a photo, looking at a photo in a newspaper, noticing an event by means of a photo, photographing a certain person or situation, or being photographed in order to provide identity for an official document. Photos have a contractual standing that is presumed to ensure a clear, sharp, legible, decipherable, and true image, such that what "was there" in front of the camera lens, was also really "there." The subject engaged in photography

expects it to serve as a means for that end. The purpose of photography reproduced in most instruction manuals echoes an "original" purpose, which results, each time, in the renewal of its sanction. The technical language and the phrasing of the instructions refer directly to the instrument and its operation, but the principles of the presupposed agreement among the users can be derived from both the technical language and the various uses of photography that they attempt to support. Those principles are generality, accessibility, publicity, transparency, neutrality, and impartiality. Although these principles are often violated under varying circumstances and are typically subject to constraints and restrictions of different kinds, they nevertheless serve as the rules of the game that have been agreed on by all. But the camera itself does not fulfill these principles. A photographer is required if these principles are to be applied.

Let's look at the work of a photojournalist. When she comes to the arena of a certain event, she can search for many various subjects and try to capture them through her own unique viewpoint or that of the newspaper she represents. Whatever the scope of her work and its specific motives (economic, professional, moral, cultural, or others), in one way or another, she will act according to principles that are supposed to be respected no matter what specific circumstances in which she finds herself. The photographer's duty is to supply an accessible image, sharp, clear, readable, and impartial. It is very rare to come across a photographer who has intentionally created the situation that she has photographed, and the public scandal erupting around a few such events is a testimony to their occurrence being rare and exceptional. The rule is that the introduction of a camera into any place participates in the creation of the event. Taking part in the situation doesn't mean that the photographer has created the situation she was about to take in photo. The photographer is motivated by an unwritten contract with the public, and she is supposed to bring her gaze to rest on what is considered of public interest.

It is for this reason that the public — including those who may someday be photographed, or those who, like Mrs. Abu-Zohir, hope to be photographed — trusts the photojournalist to perform her work faithfully and to negotiate consistently with the institutions

responsible for regulating access routes to potential photographic objects. At times, this contract is updated to conform to the demands of a newspaper or the consequences of a particular event, but its essence is stable. Even if a critical study were undertaken of a set of photographs taken by a certain photojournalist and the pattern of their appearance in a newspaper were to be scrutinized, particular interests might be revealed, but this would not weaken the photographer's belief in universal principles that guide her work. Without this belief, she and the society that, in principal, defends her freedom of action would have difficulty granting her the professional title of "press photographer."[36] She acts in accordance with the political motto of "the public's right to know" and the moral "duty to report" as that duty has been carried out in the international arena. Astonishingly, even when visual matters are at stake, demands for the transparency of information do not use terms from the visual field, such as "the right to see" or "the right to take photos." The conversion of the visual into the conceptual, into knowledge, exposes the instrumental approach to photography that characterizes various fields of legal, political, or moral discourse that constantly make use of photography. Photography is thus perceived as a transparent means of achieving the same general, universal goals.

However, the public assumes that photography is an instrument that can be controlled, one that is capable of supplying its demand. But the public cannot trust the photographer unconditionally, since she may be biased by some particular interests. The civil contract of photography is not a specific contract made with a specific photographer, but the expression of an agreement over certain rules among users of photography and the relation of those users and the camera. Yet conversely, if and when the photographer betrays her mission and wishes to distort the visible, the camera — as the impartial emissary of the public — will ensure the immortalization of reality as it stands, so that this reality will one day reveal itself. If the camera goes out of control, the photographer (as the public's emissary) will know how to regain control over the instrument and continue to produce what is demanded. Similar to the Lacanian "subject supposed to know," the subject "supposed to know that from which no one can escape,"[37] the contract at hand allows the public to see the camera as

what is supposed to show. The camera, however, is not a subject and is usually dependent on whoever operates it. But from the moment this operator takes hold of it, she, too, is no longer sovereign.[38]

Establishing the hegemony of photography as a representation of what "was there" was part of a double effort: to purge photography of the religious or magical dimensions that opponents ascribed to it and to structure it as a secular invention that could be integrated into the liberal ethos of equality and progress. The depiction of photography as a medium under the control of the photographer was intended as a counterproof to the claims of those who equated photography to black magic, while presenting it as a technique that requires very few skills was intended to establish photography as a medium of equality. However, a contradiction arose between the concerted effort to remove the religious dimension of photography and the effort to secularize it.

The medium is not under the control of the photographer, any more than what "was there" is. The image that appears on photographic paper is never simply reducible to a man-made image, but is an irreversible recording of what "was there" before the camera, what is nonnegotiable, what in itself and by itself has impressed its stamp on the emulsion. The object of photography, present in the world of experience, imprints an image on the emulsion that—although the hand of the photographer certainly interferes by adjusting the lens, opening/closing the shutter, setting the frame, and so on—always contains an element that exceeds the world of experience, thus exceeding any interference. What we see in the photo was made by someone from a particular viewpoint. It is the outcome of focus, excision, and framing. Yet the image maintains a direct connection with the depicted object, because it was written by the object's own reflected light, by its aura. The secularization of photography, therefore, was accompanied by the creation of its transcendent standing.[39]

Among the users of photography, there is a silent agreement over the double way in which the medium of photography links the photographer and her object. The photographer and the photographed each act on the medium and, intentionally and/or unintentionally, each undermines the other's exclusive control over it. This agreement concerning the act of photography both assumes that the photographic product—the photograph—testifies to what "was there" while nonetheless claiming that its framing is culturally dependent. Indeed, this agreement is only ever a partial version of what appears to the eye of the spectator. What "was there" certainly existed, but not necessarily in any finally determined way, and no determination of it significance has exhausted the possibility of other such determinations. Instead, the spectator must reconstruct what was there from both what is visible and what is not immediately manifest, but what can—in principle—*become* visible in the exact same photograph. A person's responsibility to the historical agreement over the status of the visible in photography requires this reconstruction, and to do this, she should become a spectator.

Barthes Watching Photographs of Horror

While in many public-policy fields the hegemonic conception of photography has been as a referential representation of what "was there," for quite some time, the discourse of art has subordinated photographs to the very different logic of the artistic object.[40] Looking at a photograph, within this discourse, is characterized by a suspension of direct access to the photograph's reference and a declaration of the primary interest in photography as a visual surface that stands in relation to a canonical repertory of images.

Within the discourse of art, the regime of the art museum is based on a subject who is constituted in front of the field of the visible—a photograph, for instance—as the one supposed to make an aesthetic judgment. Visiting the museum, contemplating visual items, and passing an aesthetic judgment are all necessary actions performed by the modern citizen. Confronting a work of art in the museum space or through its mediation, the citizen gains the recognition of her citizenship at the same time as the image becomes the object of an aesthetic judgment. These mutual relations of recognition are expressed when the modern citizen encounters a picture in a museum.[41]

The effect of this regime has been and continues to be powerful enough to make a philosopher such as Roland Barthes, writing on photography in the 1960s, completely subject to it. As such, he can

serve admirably as an example of the way in which in the discourse of art, as in other areas in which the hegemony of photography conceived as representations of what "was there," has foreclosed recognition of the role of the spectator as a citizen participating in the civil contract of photography. Barthes' work is canonical in the history of photography that addresses horror photos, especially since it appeared at a time when they were rarely exhibited in museums. I will not read his work as a theoretical text and address its claims, however, but rather attempt to extract traces of his gaze in front of particular photographs.

In the essay "Photos-Choc" ("Shock-Photos") in the original French edition of *Mythologies*,[42] Barthes briefly discusses an exhibition of the same name held at the Galerie d'Orsay in Paris. Barthes' report of his impressions of the exhibition displays a certain discomfort with certain feelings that were aroused in him – or to be more precise, *not* aroused – at the sight of the photos:

> Most of the photographs exhibited to shock us have no effect at all, precisely because the photographer has too generously substituted himself for us in the formation of his subject: he has always *overconstructed* the horror he is proposing, adding to the *fact*, by contrasts or parallels, the intentional *language* of horror: one of them, for instance, places side by side a crowd and a field of skulls; another shows us a young soldier looking at a skeleton; another catches a column of prisoners passing a flock of sheep.[43]

The photos that Barthes describes – of skulls, skeletons, and prisoners – indeed sound disturbing. Barthes notices them, describes them in detail, identifies them within the composition, and in the course of his description testifies to his aesthetic reaction: The photos prove unsuccessful in moving him. Skulls are too stylized, and the skeletons are too organized, the prisoners too poetic. In other words, not only is the photo entirely legible as it appears before Barthes' eyes, it seems as if anyone can read it in exactly the same way. In other words, the photo doesn't challenge Barthes, it doesn't posit him as the singular addressee who must revive the photo by extricating it from its anonymous, silent thrownness into the world.

Barthes' critique is centered on the photographs' "over-construction." He feels that they deviate from the appropriate measure of legibility that the photographer should have maintained, so that the photos would not be accessible to everyone in advance. Thus, Barthes feels that he's been denied his place, and he describes the feeling of having his position expropriated:

> Now, none of these photographs, all too skillful, touches us. This is because, as we look at them, we are in each case dispossessed of our judgment; someone has shuddered for us, reflected for us, judged for us; the photographer has left us nothing – except a simple right of intellectual acquiescence. . . . We can no longer *invent* our own reception of this synthetic nourishment, already perfectly assimilated by its creator.[44]

Barthes complains that the photos have robbed him of his faculty of judgment and feels he's been cheated, stripped of his possessions, and denied his position. After all, he's the one who was supposed to have shuddered before the photo, to have been provoked to think before it, and most of all, to have passed his own judgment, but someone else has already done this before him.

Barthes makes no attempt to question why he is unable to shudder, think, or judge if someone else has already done this before him. Nor does he question why, if someone else does it simultaneously with him, shuddering at the horror would require seclusion or privacy.

The answer to these questions is connected to the way in which Barthes understands photography. Barthes looks at a photo as the product of an author who has signed his name to the way in which what is seen within the photo has been organized. In *Camera Lucida*, published two decades later, but still echoing the logic hidden in this early text on photography, Barthes designates the "studium" as the organization of what is seen in the photo, at the same discussing what evades this organization, which he designates as the "punctum." The "punctum" of the photo, Barthes claims, cannot be predicated on what the author wanted to include in the photo. Instead, it is a residue that has been caught in the photo and that wounds and undermines the spectator. As something elusive, the definition of which fixes it as something undefined, lacking a precise name, it is

not planned by anyone. However, instead of contending that what this involves is two basic elements, with the identification and distinction between them, with respect to the photo, depending on the spectator, Barthes falls into an essentialist trap. By assessing the quality of the photo according to the presence or absence of the punctum, Barthes actually deprives the punctum of its potential status as the reversible element of photography, as what remains open and makes an ethics of the spectator possible. Seen instead in this way, the punctum has the capacity to transform the photo and the power to extend outward to the social relations in the framework of which it was made. In other words, rather than preserve the punctum as something that makes possible the transition from the photograph to the moment of photography and thus to the photographed, Barthes inscribes himself in the finest aesthetic tradition, turning the punctum into a stable characteristic of the photograph.

Even in "Shock-Photos," the residue that Barthes discusses turns into a category for classifying photos, only in this instance, what are being classified are photos of horror. In the absence of a punctum, or whatever we may choose to call this "something," and even in the face of horrific photos, Barthes as spectator will remain indifferent and impassive. For the singular encounter between the photo and the addresser Barthes substitutes aesthetic intention, which comes to shape his viewing experience. This residue is not of the order of the singular — what Barthes called what "was there" — that is burned into the photo and displayed for the spectator. The residue that Barthes is looking for is the aesthetic experience. His remarks indicate that the photo's purpose is to make this experience possible. In this aesthetic experience the photo is expected to make the spectator feel both in control and undermined at the same time. The photo must respect the spectator's physical and spiritual autonomy, and enable him to feel that he's the master of his own judgment of the photo. The photo serves as an opportunity for him to acknowledge himself again as an independent spectator or connoisseur, who may be distinguished by his ability to judge independently and to voice such judgments publicly. In other words, the spectator assumes the aesthetic position that posits the object before his eyes as an aesthetic object, in such a way that allows him and the image to acknowledge one another.

Standing in front of the photos, Barthes' initial action is to bracket what "was there." Thus, he precludes the possibility of any encounter between himself and the singularity of what "was there." In advance, the aesthetic position includes predispositions that neutralize any possibility of shocking the spectator. Instead of the photo positing the spectator as its addressee, Barthes as spectator posits the photo as the object of aesthetic study, effectively turning his viewing of the photo into the same "acquiescence" that he feared. But instead of "intellectual acquiescence," to use Barthes' own term, what we encounter is an aesthetic acquiescence in the framework of which the spectator determines whether the photo makes him shudder or not. Barthes displaces the sentence "it makes me shudder" from the ethical field, where it refers to the object of moral concern, to the aesthetic field, where it refers to the experience of the subject. In regard to the photo, instead of judging whether "it's beautiful" he judges whether "it makes me shudder."

Barthes confines the photo to a vicious aesthetic circle that works in the following way: a good horror photo is supposed to make the spectator shudder. The spectator is both active and passive. He is passive insofar as he must be made to shudder by the photo. He is active insofar as he is the one who determines or judges whether he has effectively been made to shudder. To make a statement of taste, the spectator must place the photo within the aesthetic order — here, the order that determines what a photograph of horror is supposed to do: make a spectator shudder. We thus return to the original aesthetic judgment concerning the photo, regardless of whether it has succeeded in arousing the desired experience — here, to be made to shudder. The vicious aesthetic circle, then, has three effects: it places what is seen in brackets and puts the spectator in a position of expectation ("It does [or does not] work for me") that, although passively waiting, has a strong component of demand; it restricts the viewing to the framework of a search for the punctum, an otherness or mark of artistry that is supposed to be in the photo and make it do what it is supposed to do; and it transfers the weight from the visible event that makes one shudder to merely the possibility that one might shudder.

The marks of the aesthetic order here place not only the singularity of a photo in brackets, but the singularity of the ethical position that

it requires. The leap that Barthes makes from facing a horror photo to judging an aesthetic image is easily performed, given the current conditions of visibility in which the circulation of horror photos is conducted according to a logic similar to – and possibly even more intense than – what applies to works of art. The modern work of art, whose nature was shaped in the mid-nineteenth century, exists within an endless movement of searching for the new, rare, and different. This movement imposes a logic of negation on the work of art in order for it to prove its difference from what came before it or what lies ahead. The logic of this movement is to negate and challenge what exists and is motivated by an insatiable hunger for the new. The discerning spectator of art is the one who seeks the new and is proud to make it his – not the work of art itself, but his identification and determination of its innovation. Thus, he acknowledges the work of art as new, and the work in its turn – with the mediation of the entire art world – acknowledges this spectator as someone who has acknowledged the new that it represents. The assumption that underlies this mutual acknowledgment is that there is a direct relation between the development of the work of art and the development of the gaze. The work of art, then, is pumped into a movement that exists prior to its construction, a movement that is managed and regulated by social structures, political mechanisms, and cultural positions.

Within the hegemonic channels for disseminating information in the present era, the horror photo's existence follows a pattern similar to that of the work of art described above. An entire institutional complex – structures, mechanisms, and positions – is prepared to manage the horror photo. From the front page of the newspaper to the museum wall, this kind of photo is supposed to present a different image, one never seen before, that challenges the gaze and exposes it to something unfamiliar. The horror photo is not only supposed to be shocking, but it is supposed to be either more shocking or shocking in a novel way each time it appears.

Horror was not already omnipresent by the 1950s, when Barthes was writing "Shock-Photos," in the newspapers, in entertainment, and on talk shows. Regarding what he saw in the Galerie d'Orsay, Barthes formulated the early position of a critic who warns others of

insensitivity in the face of horror. One can easily be led astray by Barthes' formulations and fail to notice the way in which it produces the exact same insensitivity that is the object of his critique.

The concept of "insensitivity," which a number of critics employ today, participates in the acceleration of the horror. If we are not to be reconciled with death, so as not to be insensitive to it, the photo must be more and more shocking each time. As if horror itself were not enough, it is called on to assume a new form each time. The concept of "insensitivity" obscures the fact that this doesn't concern the sense faculties of one group or another, but the conditions of the discourse that enlists its best critics in order to render the visible horror unseen. They consistently declare that the omnipresent horror – the photos of which are distributed everywhere – is unseen.

In the era of the conquest of the world as picture, such an oxymoron is not only made possible, but is prevalent; it is the catalyst of the desire to see more and more of the visible horror. Such a discourse conditions spectators to look on the horror and, given its invisibility, demand more and more of it in order to see it. This field of vision is common both to those who assume an impartial aesthetic position and those who assume an "entertainment position" that, in being subject to the logic of ratings, cannot claim impartiality. These two positions serve as mirror images of one another. They are supposedly contrary positions – the first is reserved for the discerning spectator, while the second is open to everyone. In actual fact, they share the same three elements of waiting, passivity, and demand that place the photo's reference – horror – in brackets and facilitate the passing of judgments that grade or classify it into irrelevant categories.

In other words, both positions accept the citizenship offered by photography in a passive way and impose their own logic, from a position of expectant demand: It must touch me, it must arouse or shock me. Thus, the desire for more effective horror – when trapped inside the vicious aesthetic circle – can never be satisfied and is doomed to further intensification: "Most of the photographs exhibited to shock us have no effect at all, precisely because . . . none of these photographs, all too skillful, touches us."[45] I've deliberately broken off this passage at the point where he attempts to explain the reason for his indifference: "This is because. . . ." Whatever reason he

may supply, it does not alter the pattern of relations I've described, in the framework of which the horror right in front of Barthes' eyes cannot satisfy this hunger. It is placed in brackets and made invisible.

Barthes comes to the conclusion that the horror photo has failed its task — to shock. He has reversed the relation between spectator and object in such a way that the horror itself is not worth looking at unless it manages to intensify the excitement of the spectator who stands in relation to it. Thus, the focus of his discussion is not on what appears to the gaze, but on whoever is doing the gazing — the spectator. The concrete event, the event that has already ended, is forced to give up its place for an event of a different order — a "pure" event, something that has already happened but hasn't happened yet.[46] It is the desire for an event in the raw, an event stripped of its mundane significations, that finally appears in a refined form. This desire, which in principle can never be satisfied, functions as a mechanism of aesthetic distinction, and as such, it manages to capture important theoreticians such as Barthes and turn them into its agents. The agents of this desire enjoy citizenship in the citizenry of photography, but are limited to the possession of an entry permit, or passport. It makes the citizen forget his responsibility always to become a citizen, that is, to experience his citizenship as an unfinished task that will remain unfinished and to experience photography as an unfinished event that will remain unfinished. To become a citizen of the citizenry of photography means giving renewed sanction to the agreement on photography, to come together (*con-venir*) for photography, remembering that the photographic image is unlike any other image — it is the product of being together through photography.

Becoming a citizen of the citizenry of photography means rehabilitating the relation between the photo and photography, between the printed image and the photographic event — that is, the event that took place in front of the camera, constituted by the meeting of photographer and photographed object that leaves traces on a visual support. There is a gap between the photo and the photographic event that both those who take an aesthetic position as well as those who take an entertainment position seek to eliminate. Becoming a citizen means replacing these impartial positions with a position that

is partial to the civil contract of photography, a contract without which modern citizenship is invalid, insofar as it is the contract that made the conquest of the world as picture possible.

Citizens have been bound together in an agreement on photography, through the convention of photography, according to which what appears in the photo "was there." But the conquest of the world as picture means that what appears in the photo is *not* all that was there — this has been agreed on by the civil contract of photography — but was, however, photographed from out of what "was there" — and this, as well, has been agreed on through the same civil contract. In an era that witnesses the conquest of the world as picture, an era in which social relations are mediated through photography, to be satisfied with citizenship as merely a legal status implies an agreement to close the gap between the photo and photography, agreeing to the absolute conquest of the world as picture while eliminating the social relations that, merely by existing, possess the power to prevent this absolute conquest. Becoming a citizen in the citizenry of photography means giving renewed sanction to the gap between the world and the picture. Becoming a citizen is in opposition to the absolute conquest of the world as picture, on account of the same civil contract in which the conquest of the world as picture was agreed on when political relations had been the guarantee against its absolute conquest.

Becoming a Spectator, Becoming a Citizen

Since the 1990s, the conditions of visibility for photography have altered within the museum space. A new spectatorial position has emerged within the museum, a position from which a responsibility to the sense of the image has coalesced with the responsibility toward the photographed. As a result, an influx of images of horror has transformed the museum into an alternative site vis-à-vis the media and its particular logic. Not only have present images of horror been gazed on in this space, but a widespread review of photographs from the past has been initiated in which early moments of the civil contract of photography have been restored. The contemplative act, which previously characterized the museum subject, has thus been replaced by the subject as civil spectator who watches the image in

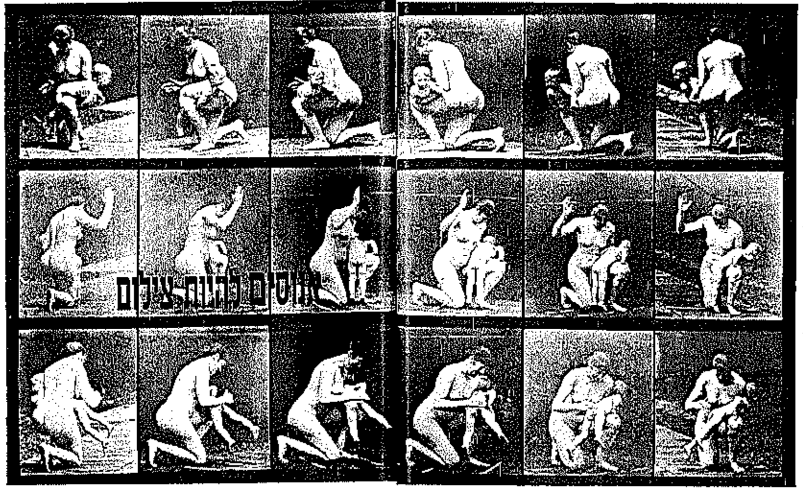
order to view its conditions of fabrication and the new possibilities for intervening in what it frames.

The term "spectator," much like the verbs "to observe"[47] or "to watch," is not typically employed with reference to still photography. It is customary to use such terms with reference to natural phenomena and, within the sphere of art, to movie screenings or other modes of entertainment. With the photograph, the tendency is to "look at" or "contemplate," and what is photographed is customarily "seen." The distinction refers to the object — the stationary object accessible to immediate and exhaustive viewing (that is, seen in its entirety), which gives rise to such clichés as "a picture is worth a thousand words." A moving image, however, eludes the stable gaze, but only through its constant replacement by successive images: "It" must be watched continuously, as long as there is something to see before one's eyes. A photograph, being a fragment taken from a flow or a sequence, is supposedly a stationary object. What is seen in the photograph is not given, and the gaze on it can never immediately exhaust it. The gesture of identification — "This is X" — frequently used in reference to photographs, homogenizes the plurality from which a photograph is made and unifies it in a stable image, creating the illusion that we are facing a closed unit of visual information. This gesture, frequent in so many domains, is part of an ongoing effort to suspend the civil power of being a spectator and to neutralize the power of the civil contract of photography. To combat that effort, it is necessary to rethink what it means to be a spectator.

The dictionary defines "spectator" as a "one who looks on or watches,"[48] that is, a person who takes no part in an event that takes place before her eyes. But this language refers not only to the placement of the spectator in regard to the event, but also to the way in which the action unfolds in time. The spectator's work also is one of *prolonged* observation, performed on the margins of a particular activity or event. The spectator observes a certain space and has the capacity to report on what she observes. From her position, the spectator can occasionally foresee or predict the future. Thus she is able, through skilled observation, to identify and forewarn others of dangers that lie ahead. The secrets of the future can be revealed to her, in photographs of horror, as well as the atrocities of the present.

The act of prolonged observation by the observer as spectator has the power to turn a still photograph into a theater stage on which what has been frozen in the photograph comes to life. The spectator is called to take part, to move from the addressee's position to the addresser's position to take responsibility for the sense of such photographs by addressing them even further, turning them into signals of an emergency, signals of danger or warning — transforming them into emergency claims.

As an example of the spectatorial act, let us take the example of the artist Michal Heiman as she looks at a book by the photographer Eadweard Muybridge, who was active toward the end of the nineteenth century. In Plate 171 of his book appears a series of eighteen consecutive photographs of a woman spanking a child (figure 3.3). Both the child and the woman are stark naked. The woman, with her arm raised, is kneeling on one leg as she holds the boy down on her other knee, propped against her stomach. On the surface of a reproduction of the two-page spread in Muybridge's book, Heiman has embedded her own two imprints: "Raped into Being a Photograph" ("Anusim lee-Hyot Zilum" in Hebrew) and "Photo Rape" in English.[49] The use of the plural form (*Anusim*) in the Hebrew indicates that it is not only the child being spanked who has been "raped" into becoming a photograph, but both the woman (mother? model?) and child. Both are naked and have been given over to the gaze of the photographer, who has attempted — as Muybridge explicitly stated — to record scientifically, one fraction of a second after another, the precise progression of movement. Heiman's imprint points to the perverse choice of his example — the spanking as a demonstration of discrete physical motion — and the violence of the camera that has "raped" both of them, woman and child, into forever enacting the spanking scene and serving, with their naked bodies, as the object of the insatiable gaze of the photographer. Along with many others, Heiman implies, Muybridge was involved in the flourishing late nineteenth-century business of traffic in photographed images of naked women and children.[50] Heiman draws the spectator's attention to the fact that hiding behind the veil of a scientific investigation of motion lies the violence that the photographer has exercised on his photographed subjects, who unwittingly became the victims of a



3.3. Michal Heiman, *Subjects Unknown #1, Woman on one knee, spanking child (Photo: Eadweard ridge, plate 171, 1884)*, chromogenic print, 78.0 x 114.0 cm, 2002.

game of desire and truth, oppression and sexuality. A Foucauldian reading might even tempt us to claim that this series of eighteen frames captures the logic of the entire Victorian regime.[51] Under the cover of scientific investigation, this same regime, which ostensibly suppressed sexuality and prohibited any public display of nudity, encouraged and supported the production of photographs that provided a detailed, intrusive, and multidirectional gaze on the naked body and in the context of these specific photographs exposed the relationships between education, sexuality, and violence.

In the encounter she produces between Muybridge's series of photographs and her own imprints, Heiman attempts to shift the balance between the photographed subjects as the object of the scientific demonstration of a photographic principle and their existence as concrete individuals who, for the purpose of a demonstration, have been stripped of their clothes and forced to perform, for the benefit of the photographer's gaze, a scene lying somewhere on the borders between sexuality, parenthood, and violence. With her imprint, Heiman loudly protests for all to hear — "Raped into Being a Photograph" — making a demand on the spectator to look squarely at the photograph, at the photographed individuals, rather than take refuge behind the knowledge that they may have of the undertaking as a study of human movement or an important station in the development of photography and cinema. Heiman's demand is an act of becoming a citizen of photography and a declaration that in principle, the work of watching is not hers to complete — that this work can never be finished.

Because in principle, photographs evade an ultimate reading, a last judgment, Heiman's reading of Muybridge's photographs, in opening up a perspective previously obscured, constitutes an invitation to further reading. Otherwise, photographs of this kind would appear only as instruments of oppression that rape women and juveniles, and the photographer is confined to the position of an executor of a certain social order, the spectator merely someone who takes part in preserving this order. The power of the gaze, which Heiman exemplifies, is witnessed in the demand of the spectator to linger over the photograph and to reconstruct the photographic situation, the encounter that took place "there." This twofold demand makes it

impossible to see photography simply as an instrument of brute force that ruthlessly operates on its victims. Instead, we must assume that the photographed subjects also have the ability to use force at the moment of photography and can undermine, though paradoxically in cooperation with the photographer and with the mediating assistance of spectators — the explicit aims of the photographer and those who sent him.

Behind the fences and locked doors of the University of Pennsylvania, Muybridge staged his photographed subjects within small dramatic scenes that typically consisted of a single movement captured in a loop. From a scientific perspective, the intention was to use photography to break down human motion by fractions of a second so as to capture what the human eye cannot see. This was the explicit intention of a research program that was certified and supported by the university and authorized for publication in the form of an elegant book. But when we look at the series of Muybridge's photographs that Heiman has chosen to isolate, the motivation to show the human eye what it cannot see is revealed to in fact be of secondary interest. The photograph confronts the gaze with the fact that the gaze tends primarily to see what it is told to see. As the caption states, "WOMAN ON ONE KNEE, SPANKING CHILD." But is this really the case? A methodical appraisal of the eighteen frames will immediately show that the woman is not really spanking the boy, that she is in fact maintaining a clear distance from his exposed buttocks lying on her knee. Another glance at the photographs invites the spectator to trace the logic of the movement dissected in them: An arm that is raised supposedly falls on the buttocks, repetitively. This loop, however, is fictional, too, and fails to describe what is visible in the photographs. The series consists of three rows of six photographs, and in each set of six photographs, the woman is in exactly the same position. Thus we do not have eighteen photographs, each still a different instant of motion, but three sequences in which a single motion is repeated in six different frames. When we look at the entire series, the whole does not appear to consist of only three photographs that repeat themselves, but gives the impression of a dissected, continuous movement spread over eighteen different frames. The riddle is solved when we realize that the illusion of

motion is not produced by any movement by the photographed subject, but by the camera's movement. In each set of six photographs, the woman never moves. It is the photographer who moves around her in a semicircle and who shows her from different angles.

We thus do not have an attempt by the photographer to record the woman's motion, but a testimony to the movement of the photographer around the woman. A prolonged examination of this series of photographs discloses to the spectator how badly she has been tricked by the name of Muybridge's project — "the investigation of motion." The photographer may hide behind the scientific title he has given his project, but what he seeks to observe is the woman and child stark naked — and to observe himself observing them. It is not just their naked bodies that he wants to observe, but a sort of beating, in the course of which the photographer places himself in the position of an angel who might be telling the woman, "Lay not thine hand upon the lad." Yet it is quite apparent to everyone that it is not the woman who has wished to lay her hand on the lad, but the photographer who asked her to do so, just as it is he who wants, despite the title, to halt the action, to suspend and prevent it from going further.

In the central row of photographs, the woman is shown with her arm suspended in the air, like Abraham's raised arm; in the upper and lower rows, the woman is shown in exactly the same position. In the first case, the photographer circles her to the right so that the spectator's eye can follow the movement from her back to her face and glimpse her subtle smile. In the second, the photographer circles her to the left so that the eye can catch the boy's enraptured expression. "Despite all the photographer's artistic talents and systematic staging of his model," writes Walter Benjamin in his brief history of photography, "the beholder feels an irresistible urge to search such a picture for the tiny spark of contingency, of the here and now, with which reality has (so to speak) seared the subject."[52] As the spectator continues looking at the action, now following the photographer through the eyes of his photographed subjects, she sees the way in which the photographer, who has positioned himself in the heroic role of someone with the power to beat the boy or stop the beating, has himself been turned into an object of the mocking gaze of the

woman. She, on the other hand, is trying to hide her smile as she and the boy, who is half giggling and half frightened, mischievously play at spanking and thus fail to follow the details of the director's instructions. Although the woman and boy may have been forced into becoming a photograph, forced into being the objects of a voyeuristic or pornographic gaze, they are also acting as agents who leave vibrant traces in the photograph that attest to the photographer's having become the object of others' gazes — the gazes of the photographed subjects at the time the photograph was taken and the gazes of the spectators afterward.

This series of photographs by Muybridge stands apart from the rest of his work. They do not record the movement of the photographed subject, but the movement of the photographer himself and his attitude toward the object of his photograph. The photographer, with his camera dizzyingly encircling the raised arm and the possibilities it holds of beating the boy's naked body, of beating the naked body of the woman herself, ultimately chooses another option — not to allow the beating to occur. He could have made it happen, yet frame after frame, at the time the photographs were taken and in the process of editing, he chose to prevent it. Muybridge, who is no less present in the photographs than his photographed subjects, is training himself through the photographic situation to subdue and suspend violent action.

Once the photographer has turned into an object of the gaze, the code of scientific discourse that leaves his biography out of the photographs no longer applies. It proves difficult to resist allowing a significant event in his biography help us understand both the photographs and the era in which they were made. A few years before he began working on the dissection of human motion, Muybridge married Flora Shallcross Stone. Two years later, in 1874, she bore him a son. When the boy was six months old, Muybridge came to suspect that he was not his, but the progeny of his wife's lover. Seeing the boy as the product of this sinful union, he would not so much as touch him, and as for the boy's father — his wife's lover — he murdered him, leaving the boy an orphan. Muybridge was ultimately acquitted of the murder charge on the grounds that it had been "justifiable homicide" and "a crime of passion." Thus, Heiman's imprint,

"Raped into Being a Photograph," imprinted in the plural, allows us to reorganize the power relation with the protagonist who participated in the act of photography. Although forced by the photographer into a passive position, the photographed subjects are looking at the photographer's gestures with an ironic distance, actually watching the impossibility of forcing one to become a photograph without being trapped in the same fate. No less than a woman spanking a child, this photo is of Muybridge photographing a woman spanking a child, as well as of a woman and a child looking at the photographer photographing a woman spanking a child.

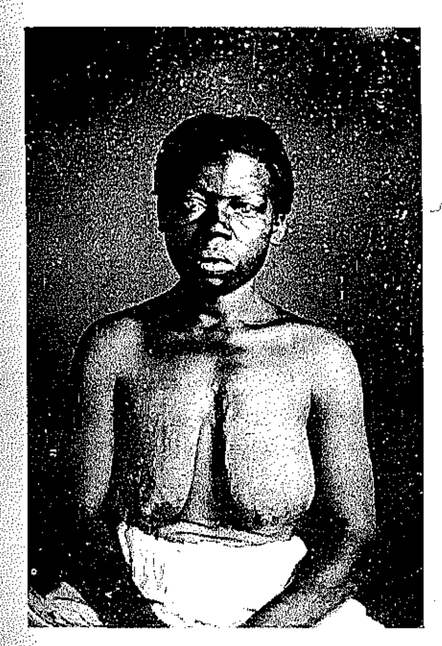
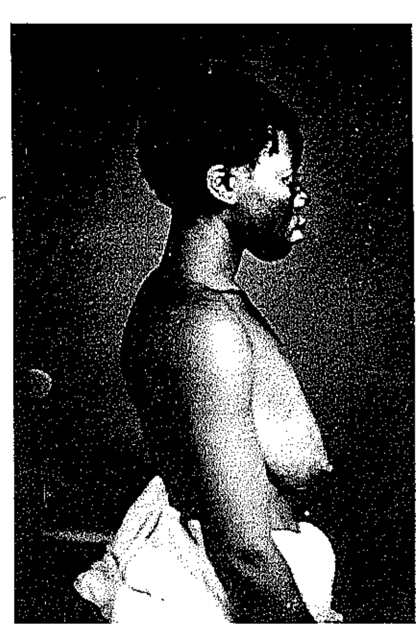
Of course, on its own, a reading such as this will not suffice without the reconstruction of the photographed subjects' civic status and without recalling that their ability to participate actively in the game of power relations between themselves and the photographer was not supported by any political recognition. Both the woman and the boy were among those excluded from the rights of citizenship enjoyed by men. The photographed individual, then, can become a citizen of photography and yet remain a noncitizen in such a way that this conflict between being and not being a citizen turns the photograph into a complaint that attests to the fact that the photographed figure is fundamentally a political entity, an entity that is governed, and that this political being was robbed of its citizenship.

Against this background we should revisit the universal claim of photography that was advanced by the French state, which presented itself as the state that had given the invention of photography to all of humanity: "anyone can in principle operate a camera." When there is someone who falls outside of this principle, such deprivation exposes the shadow that this universal "anyone" casts on the citizen of the state. Attributing the threshold of opportunity for using photography to the technology itself — it is easy to operate, widely available, inexpensive, and so on — masks the fact that not everyone is truly equal before the photographic technology. Despite the steady lowering of photographic costs, poor populations were nevertheless unable to enjoy the same possibilities that this technology opened for the realization of citizenship.[53] Cultural conditioning and economic limitations have posed, and continue to pose, obstacles to certain populations in their ability to employ this technology beyond it

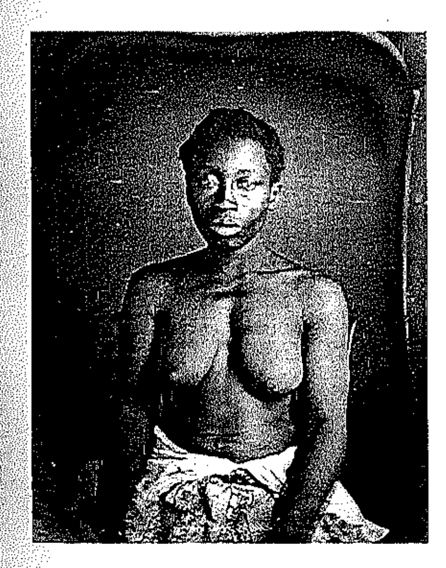
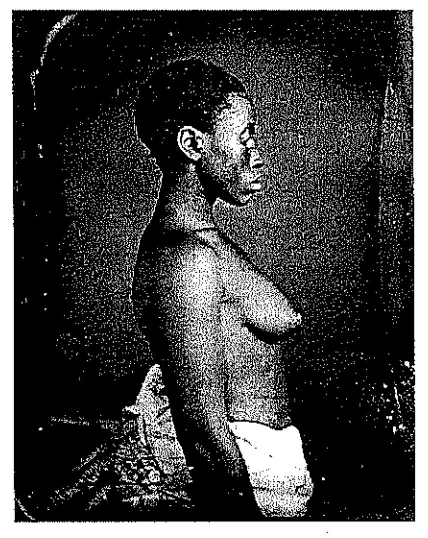
becoming a means for taking an identity picture, that is, for the purposes of power, not of the citizen.[54] This "anyone in principle can" should not be understood as technological accessibility, but as a civilian partnership: From the point of view of the citizenry of photography, anyone can become a citizen.

Large parts of disenfranchised populations are prone to turn into photographs taken by others, more than they tend to become photographers themselves or self-photographed subjects. However, even as merely photographed persons, they take part in the power play on which they leave their photographed mark, even as they remain excluded from the hegemonic political game. This is true of the contemporary photograph of the Afghan girl that I will address later on, and it was also true in 1850, as photography was just coming into being, of Drana, Delia, Jacques, and Renty, Afro-American slaves whose pictures were taken by Joseph T. Zealy for Dr. Louis Agassiz, the noted Harvard naturalist.

Their daguerreotypes are part of a series of fifteen images of seven slaves whom Agassiz selected out of a large number of slaves presented to him on the Taylor plantation in Columbia, North Carolina. Agassiz arrived at the plantation through the mediation of his friend Dr. Robert Gibbes, a North Carolina paleontologist who was friendly with the local slave owners.[55] According to the entries in Agassiz's journal, he was interested in finding slaves who were born in Africa and their offspring who were born in the United States.[56] After choosing the ones who suited his study and with the consent of the slave owner, they were sent to the studio of the photographer in charge of producing a scientific documentation, of which they were the raw material—a full frontal view and a profile (figures 3.4, 3.5, 3.6, 3.7).[57] Very little is known of these pictures, and even less is known of what preceded their creation—of the meeting between the slaves and Agassiz, or the manner in which he examined them in order to select those suited to become his research samples, or the way in which they were told that they would be required to pose for photographs, or just how they arrived at the photographer's studio.[58] The details that are known—Agassiz's hope to enlist the aid of photography so as to prove his claims that not all humans are of the same species and that the black race is inferior to the white one, alongside

Figures 3.4 and 3.5. Joseph T. Zealy, Drana, country born, daughter of Jack, Guinea, Plantation of B.F. Taylor, Esq. Columbia, S.C., 1850 (Peabody Museum, Harvard University).

Figures 3.6 and 3.7. Joseph T. Zealy, Delia, country born, daughter of Renty, Congo, Plantation of B.F. Taylor, Esq. Columbia, S.C., 1850 (Peabody Museum, Harvard University).

the transformation of these photographed people into illustrations for a scientific claim – tend to obscure the little that can be salvaged from the photographs about the photographed people and their point of view.[59]

The daguerreotypes are preserved at the Peabody Museum at Harvard, along with identifying labels that were carefully prepared by Gibbes to assist Agassiz in his study.[60] The photographed people are identified by their first names and their owner (B. F. Taylor); the photographed women are also identified by their kinship – daughter of "Jack" and daughter of "Renty." The portraits of the two women, who were actually very young, almost girls, are taken in a similar manner: dress undone down to the waist, its upper edges visible within the frame, body upright, head turned almost imperceptibly to the right, gaze directed straight ahead – almost certainly toward the site from which they received instructions in the course of the photography session.

For a long time now, I've been placed at the site toward which each of them is directing her piercing gaze, trying to understand what it is that makes these harsh portraits so stately and glowing, so permeated with the powerful presence of the photographed women, attempting to revive the mark they left on the photograph through a reconstruction of their point of view and its placement opposite the viewpoint responsible for their oppression. I'll begin by asking who they were posing for and what precisely was the photographic situation to which they were subjected.

From the sparse details that are identifiable from Gibbes's notes and Agassiz's letters, it emerges clearly that negotiations between four white men – Gibbes, the scientist colleague and liaison; Agassiz, the scientist who initiated the photographic project; Zealy, the photographer; and Taylor, the slave owner – formed the basis of the agreement regarding the photographs we see before us. No mention whatsoever is made of the role of the photographed men and women, but they were clearly not parties to this agreement. If their photographs had not been before us, they could have been said to have been completely invisible to all the parties involved. However, not only do we have before us photographs in which they are present, but all that is left of the agreement between the four men are these

photographs taken in the photographer's studio. Even if the four men were not present together in the studio along with the photographed women, it would be a mistake to analyze what our eyes behold as an encounter between the women and the photographer alone, just as it is a mistake to analyze the photographic situation only in terms of an oppression whose forms and modes are realized, completely, through the threatening whip of the master. The relations of exchange between the four men in question preceding the photographic event form an inseparable part of this event, while the sexualized and racialized violence reflected in it cannot be deciphered without taking these relations into account. However, it would also be unduly limiting to discuss the photographs as if they were only and completely expressions of the deal forced on the photographed people, as if these people were absent and as if the act of photography were only and completely an execution of a scientific claim that bears no testimony to the encounter – violent though it may be – between the photographed people and the ones commanding them to pose.

The violence of the daguerreotypes before us doesn't stem exclusively from the encounter between the photographer and the photographed women. It is no less a result of the multipartite encounter between the latter and those who agreed on the photograph in their stead. The photographer alone lacked the power to force the slaves to stand half-naked before the apparatus that he was operating. Moreover, we have no information at all about what the photographed people knew of the ritual they were forced to take part in, beyond the general fact that slaves did not participate in the flurry of activity surrounding the invention of photography, which enabled people to create images of themselves: "Few slaves, however, had the luxury of projecting any look at all. That slaves were denied individual identity in the antebellum South, is merely underscored by the near-total absence of photographs depicting them."[61] We can, however, assume that even if they didn't know exactly what this technology was, and even if none of the people present showed them the results – that is, their own image – they were well aware that as the event took place, they were serving as the objects of a gaze that transcended the here and now. During the taking of the photograph, the gaze of the

photographed women is directed toward the photographer, but it also reaches beyond him, in the knowledge that there is the photographer and there is the person who selected them as objects of a gaze, and the person who permitted their transformation into objects of this gaze, and the person who is now in fact gazing at them. In other words, their gaze, even if it doesn't fully comprehend what photography is, understands that the situation in which they are gazed at is one that departs from the direct meeting of gazes between those present opposite each other.

The symbolic violence employed by the photographer in his exacting instructions was an extension of the violence with which they were already familiar, but it is also distinct from the familiar violence in that it is a subdued, symbolic form that does not directly touch the body. Gibbes, who was present during the photography sessions, ensuring through his gaze that they were following the instructions in a manner that would achieve successful results, most probably took an active role in bringing them to the studio. He served as a kind of liaison for their master, who authorized their transportation to the studio and their supervision, for Agassiz, whom he served faithfully throughout the photography project, and for the photographer, who presented certain conditions in order that his work might achieve success, with the photographed women, whose full cooperation was a condition for the fulfillment of his task. Taylor, who was not present in person at the studio, was present through the other men, whom he had empowered to use the photographed women in order to produce the daguerreotypes. These men, even if they were not all supporters of slavery, recognized the slave owner's ownership of these slaves by virtue of their common agreement on the act of photography.

Agassiz, initiator of the photography project, who was already back home at the time the photographs were taken, was present in the arena as a specter through his representatives, but also through his particular choice of the slaves to be photographed, which brought together fathers and daughters. The choice of fathers was explained by his wish to study "pure" Africans, born in Africa, of the kind that by this time could be found on U.S. soil mainly in the person of slaves. Although Agassiz also sought to study the U.S.-born progeny

of African-born slaves, there is no explanation in his notes as to why these progeny ended up being daughters. Even if Agassiz's journals or letters had elaborated in detail on this issue, the information, at the very most, would have illuminated the way in which he viewed and justified his selection, rather than explaining the meaning of this selection in the context within which it was realized and carried out.

In his essay on these photographs, Brian Wallis writes, "Agassiz was doubtful about finding 'pure' examples of the race in America."[62] It is seriously doubtful whether the specimens Agassiz found on the plantations around Columbia were indeed "pure," for the importing of slaves from Africa was banned in 1808, and most, if not all of the photographed men do not look as if, by 1808, they had already attained an age and a capacity that would have made them profitable imports for a white master. Be this as it may, the photographed men disrupted the pure or purifying categories. It is highly likely that some of the photographed people were not "pure" Africans in the sense intended by Agassiz, because they had been born in the United States or smuggled into the country after the legislation that cleansed the language of the Constitution of the stain of slavery, but that authorized the local trade and ownership of slaves.

However, the emphasis on place of birth deflects the discussion from what was actually bothering Agassiz as regards the purity of the photographed men. His skepticism about the possibility of finding pure specimens stemmed from the widespread phenomenon of racial interference due to the ongoing mixing of black and white blood. At issue, of course, in his worries was not what is known as "mixed marriages," but rather the rape of black girls by their white masters and the birth of "hybrid" offspring.[63] The rape victims, often very young girls, were totally without protection, either legal, because the law didn't recognize black women as subjects whose violation could at all be addressed, or social, because the men to whom they were married were powerless to fulfill the role preserved for members of their sex in the white society they served — that is, as protectors of their wives.[64] The sexual violation of black women is represented in the literature on slavery in the United States in the nineteenth century as a widespread and common phenomenon with numerous implications for the structure and form of kinship relations among blacks.

The main characteristic of these relations that is relevant to a discussion of the photographs in question involves the attribution of offspring to mothers, rather than to fathers. This attribution was not a feature of the social relations prevalent among the blacks before reaching the United States. It emerged as an effect of their way of life among the whites, who operated on many levels and in many ways to disrupt family structure in the slave society.[65] Children's attribution to their mothers served their masters, first and foremost, because the latter were consequently freed of any responsibility toward their offspring, meanwhile positioning the mother as the sole anchor of certainty as to children's lineage.

Within this context, Agassiz chose to ignore the prevalent kinship relations that had developed in the United States among slaves, instead displaying a paternal model of family relations in which the fathers served as the source. However, given the circumstances described above, even if the identity of the specific fathers selected could indeed be determined as that of the biological fathers of their offspring, the photographic event, in the frame of which their daughters were forced — before their fathers' eyes — to strip in front of strange men, undermined their symbolic status as fathers who protect their daughters. The fact that the photographed people — both men and women — were stripped half-naked in the photographic situation both enhanced and illustrated the fact that these were people stripped of power.

Thus, the act of photography through which Agassiz sought to attain the hard facts supporting the inferiority of the black race turned into a performative event occasioning an acting out of the white man's supremacy over the black man and the black man's subjection and subaltern status. The two women selected for the photography project — the daughters of Renty and Jack — served as currency through which the four white men once again demonstrated to the black men just who it was who possessed the power and authority to issue commands to the women while commanding them to witness their daughters' subjection to these commands.[66] The photographs thus indeed "proved" what Agassiz sought to prove, but they did so not as the result of a scientific inquiry, but as a result of the power structures that they reveal.

In the daguerreotypes, the photographed people, both men and women, stand motionless, like statues — upright and balanced, mouths shut, eyes staring ahead, heads held high on tall necks, arms symmetrically dropped at their sides, palms placed on their thighs pointing toward each other at an angle to the arms and wrists. It is a stance requiring concentration and effort. The time required for taking such pictures was fairly long. These subjects were required to display their bodies to a gaze, to spread them like anatomical maps, and they appear to have done so solemnly, with total obedience. Their pose conformed so precisely to the instructions that the similarity between the contours of their perfect silhouettes within the frame becomes troubling.

However, the similarity forcefully imposed on the photographed people by the director arranging them in the photographic situation is disrupted by the different looks in the eyes of each subject. It can be determined with near certainty that all of the people photographed were required to look straight ahead.[67] In the full-frontal photograph, all of them indeed comply with this instruction. In the profile, the gazes of Delia and Jack (Drana's father) are slightly lowered. Their bodies remain upright, as if they could feel the gaze fixed on them, expecting them to stand firm, but the dissolved eye contact seems to have reconnected them to themselves, to have allowed them to curl up into their pose and retreat momentarily into a private reverie. Delia's gaze in the frontal photograph looks frightened. Her shoulders are pulled very slightly forward in a gesture expressing discomfort, as well as a groping attempt to understand who stands before her and what is to be expected from him. The possibility of (re)gaining protection or help does not seem to be dismissed outright.[68] In contrast, Drana's gaze is tougher, more seasoned, grudging and scornful toward those seeking to photograph her look at this given moment. Similarly, the gaze of Renty (Delia's father) is full of anger and resentment, even discernibly hateful toward those who have placed him in this position. Jack's eyes are slightly squinted, as if they sought to turn the tables, scrutinizing those looking at him, transforming them into objects whose despicableness makes him wonder just how far they can go with their crudity.

The different gaze of each of the photographed people, expressing their attitudes toward those who have cast them into the photographic

situation, distinguishes them from each other within the overall framework, which sought to turn them into perfect illustrations. However, the uprightness, the broadened chests, and the bodies spread on display cannot be attributed exclusively to the violent game of the instructions and their fulfillment. It is difficult not to see the way in which they take this pose as both a challenge and an expression of pride, as if they fully understood the situation created by the act of photography, the opportunity being offered them to present scientific proof of their noninferiority.[69] As I've noted above, something in the situation allowed them to understand that the gaze resting on them at the moment didn't exhaust the gaze to be directed at them. And the gaze that they returned was not addressed exclusively to those who were there in the room with them. The scorn, the contempt, the anger, the call for help, the indifference, the wonder are all expressions of an address extending beyond total subjection and suspending it in order to utter and express. These photographed people address someone who is not present, an addressee who opens up the space in which they are placed, who undoes — albeit very slightly — its oppressive limits. Though they know nothing of the category of a universal addressee, their gaze is addressed to someone like her whose existence they assume when they address their gaze to her, revealing something of their feelings toward their enslavers.

Using photography, Agassiz sought to produce scientific proof of the inferiority of the people photographed. However, photography exposed the performative content of his claim and documented the cyclic manner in which it produced the required results. Photography subverted Agassiz's presumption to use it for showing the blacks in their purity. It not only documented the objects that he sought to photograph, it also recorded the manner in which these were designed for gazing at, in the spirit of the slave auctions at which they were displayed on podiums and required to exhibit their bodies, enabling examinations of the merchandise. After enactment of the law prohibiting the importing of slaves from Africa, the bodies of women turned into a precious resource for the reproduction of slavery. Deborah Gray White describes how, frequently, women's display at auctions involved feeling up their bodies, both by sellers, who

wished to convince potential buyers of the quality, and by buyers, who wished to verify and examine the merchandise themselves.[70] The main areas handled were the belly and the breasts, as if these could teach the handlers how many children the women could bear and suckle.

The photograph forced on the people enslaved at the Taylor plantation served them as an opportunity not only to subvert the claim that they were inferior, but also to provide a rare replacement for the never-taken snapshots of life in slavery — an exposure of the black woman's body to the gaze and arm of the white man and its transformation into a battleground.[71] Drana's breasts are furrowed with vertical scars left by beatings or by their damaging overuse for nursing or sex. The exhausted breasts, which look like those of an old woman, whose history is inscribed on her body, are all the more striking on the background of her young body, leaving a silent testimony to her abuse in the photograph.

The same year that these daguerreotypes were taken, Sojourner Truth, lecturing in Ohio, asked accusingly, "Ain't I a woman?" Her rhetorical question was a response to a comment from the audience by "Dat man ober dar say dat woman needs . . . to have de best place every whar." Truth, never treated in the manner the man had claimed was preserved exclusively for women, called on the audience to take a good look at her and her body — "Look at me! Look at my arm!" — and to judge for themselves whether she, too, was not a woman. Eight years later, in 1858, during a lecture at Silver Lake, Indiana, a man stood up and voiced a rumor that had been making the rounds through the audience — that Truth was in fact a man disguised as a woman. He demanded that she consent to an examination of her breasts by a number of women who would verify her sex. In an unprecedented act, facing an audience that had reacted with great enthusiasm to the idea that Truth consent to an examination behind closed doors in a seeming gesture of respect for her privacy, Truth bared her breasts publicly for all to see. In her choice of the anonymous public gaze over the supposedly intimate framework she was offered, Truth challenged the distinction between private and public that relegated slavery and its injustices to the private sphere in an attempt to retain them beyond the public gaze and the political arena, the latter

being the only sphere in which a new beginning would occur. Drana, unlike Truth, didn't choose to display and turn her breasts into a living proof. But when forced into a situation where her body was examined behind the closed doors of the photographer's studio, she didn't miss the opportunity of staring at the spectator and causing her to connect her disgusted look with her scarred body.

Chapter Four

Emergency Claims

American attacks on Iraq in 1991, conducted under the framework of what was called the "Gulf War," marked the beginning of a new era in the imagery of war.[1] This epoch has subsequently and repeatedly been described as one of sterilized or sanitized news coverage.[2] Such formulations indicate the emergence of the ruling power's ability, during times of war, to manipulate the production and distribution of images. Coalescing around such figures of speech as "smart bomb" and "precision target," this discourse has, in effect, allied itself with expressions coined by the ruling power. Rather than look at the images themselves and the ways in which they expose the evils of war, news editors, journalists, and critics focused at length on the nature of the new imagery of war, of which the general conditions of appearance had been formed through the cooperation of the media with the military and other branches of government. Susan Sontag has described this situation as "techno-war": "the sky above the dying, filled with light-traces of missiles and shells — images that illustrated America's absolute military superiority over its enemy."[3] The flickering, green nocturnal photographs of Baghdad have become icons of an era of warfare conducted and photographed remotely at a distance.

The preponderance of such icons has made the gaze forget the fact that photographs were taken in this war, just as in all other wars perpetrated since the invention of photography. Slightly more than a decade later, daily bombings of Afghanistan and Iraq continue to be depicted as if such assaults occur under the same visual regime, one

Order: Photographic Records and the Growth of the State," in Liz Wells (ed.), *The Photography Reader* (London: Routledge, 2003).

50. This inequality does receive mention in various places, but without leading to an in-depth discussion. For instance, in the album issued on the occasion of the millennial year 2000, in the case of inequality regarding the photograph of Florence Owens Thompson, emphasis on the fact that she considered taking those who published it to court (although she didn't, of course, as she lacked the financial ability) is presented as an amusing anecdote. See Robin, *Les 100 photos du siècle.*

51. On the distinction between citizenship and becoming a citizen, see Ariella Azoulay and Adi Ophir, *Bad Days: Between Disaster and Utopia* [in Hebrew] (Tel Aviv: Resling, 2002).

52. Israeli readers need not be reminded how quickly the bodies of Jewish casualties are covered after terror attacks.

53. This is the legislative proposal of 1839 as presented by the French interior minister to the Chamber of Deputies on June 15, 1839.

54. By contrast, such inventions as the washing machine or vacuum cleaner have no doubt changed the life of the individual, but the benefit they bring is personal and private.

55. On the formation of the observer in the end of the eighteenth century and the beginning of the nineteenth, see Crary, *Techniques of the Observer.*

56. The same process occurred among the black population in the United States, who, although deprived of citizenship, participated in the nascent practice of photography from the beginning, transforming it into a weapon in the abolitionist struggle. See Deborah Willis, *Reflections in Black* (New York: W. W. Norton, 2000).

57. Needless to say, their photographs, as well as those produced by African Americans, were not treated like those produced by white men, and their existence has only come to light in recent years. The research on women's use of photography (and daguerreotype) in the first years of photography is still only beginning, but one may already affirm their participation in the nascent practice of photography.

58. "Any Person today can lay claim to being filmed." Walter Benjamin, *Selected Writings, Volume 3, 1935–1938*, eds. Howard Eiland and Michael Jennings (Cambridge, MA: Belknap Press of Harvard University, 2002), p. 115.

59. Susan Sontag, *On Photography* (New York: Picador, 1977), p. 22.

60. On the legal protection of the right to privacy, see Viera, "Images as Property."

61. These remarks appear in Robin, *Les 100 photos du siècle.*

62. The proliferation of local photographers during the first intifada is an instructive case in point.

63. On deterritorialization and reterritorialization see Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi (Minneapolis: University of Minnesota Press, 1987).

64. See Dorothea Lange, "The Assignment I'll Never Forget," in Liz Heron and Val Williams (eds.), *Illuminations: Women's Writings on Photography from the 1850s to the Present* (London: I. B.Tauris, 1996).

65. Susan Sontag, *On Photography* (New York: Picador, 1977), p. 3.

66. *Ibid.*, p. 107.

67. See Arendt, *The Human Condition.*

68. For more on the flawed citizenship of citizens living beside noncitizens, see Azoulay and Ophir, *Bad Days.*

69. See Michel Foucault, *The Birth of the Clinic: An Archaeology of Medical Perception* (New York: Random House, 1975).

70. See, for example, Georges Didi-Huberman's book on the photography department in Charcot's clinic, *Invention de l'hystérie: Charcot et l'iconographie photographique de la Salpêtrière* (Paris: Macula, 1995) and Denis Bernard and André Gunthert's book on Albert Lande, who was one of the photographers who worked there, *L'instant revé: Albert Londe* (Nîmes: Jacqueline Chambon, 1993).

71. Because citizenship is never fully achieved, practices of civilianization are needed in order to become a citizen, thus preserving the gap between the citizen and power.

72. On the contribution of the Englishman Henry Fox Talbot, see Frizot (ed.), *A New History of Photography.*

73. The specific prohibitions that various states apply to the publication of photos, usually on an ad hoc basis in order to serve political interests, doesn't take the place of the missing discussion.

74. The contention that every technology poses the same challenge from the user's point of view is false. Thus, for example, the vacuum cleaner invites the purchaser to use it in a certain way, and in most cases the user will indeed do it correctly. However, the use of the vacuum cleaner doesn't take place in the framework of social, political, and civil practices that bind individuals together, shape their citizenship and horizon of action, represent their actions, and structure their identities.

Chapter Three: The Spectator Is Called to Take Part

1. A photo, like a product of work, can be destroyed, and in extreme cases, it can even be systematically annihilated. The treatment by the Nazis of the large quantities of photos they produced is one well-known case. This is an extreme

example in the framework of which the total prohibition on photography was constantly transgressed, as in the case of SS officer Max Täubner, judged in the secret tribunal of the SS. His verdict stated: "The accused took a number of photographs of the executions and allowed SS-Sturmmann Fritsch to take further photographs, although he knew that the photographing of such incidents was not permitted. These were for the most part pictures which showed the most deplorable excesses, many are shameless and utterly revolting." Ernst Klee, Willi Dressen, and Volker Riess (eds.), *"The Good Old Days": The Holocaust as Seen by Its Perpetrators and Bystanders*, trans. Deborah Burnstone (New York: Free Press, 1991), p. 199; Georges Didi-Huberman, *Images malgré tout* (Paris: Minuit, 2003).

2. Although I could not include the photograph by Yariv Katz in this book, it can be seen can be seen at (the photographer's name is misspelled there — Yarif Katz) http://commondreams.org/headlines02/0224-04.htm (last accessed on March 20, 2008).

3. I rely here on Gilles Deleuze's discussion of sense in *The Logic of Sense*, trans. Mark Lester with Charles Stivale, ed. Constantin V. Boundas (New York: Columbia University Press, 1990). The sense of an *énoncé* — a photo, in this case — can never be found in the photo itself, but is always caught in an infinite regression of *énoncés* where a new one is required to express the sense of the previous one.

4. Deleuze describes this node as a singular point. *The Logic of Sense*, pp. 28–35.

5. See Lyotard's fourth conversation in Jean-François Lyotard and Jean-Loup Thébaud, *Just Gaming*, trans. Wlad Godzich (Minneapolis: University of Minnesota Press, 1985), pp. 64, 71.

6. *Ibid.*, p. 69.

7. I'm not dealing here with the Kantian and Levinasian influences on Lyotard or with his critical stance toward both, which he addresses in *The Differend: Phrases in Dispute*, trans. Georges Van Den Abbeele (Minneapolis: University of Minnesota Press, 1988), as well as in *Just Gaming*.

8. Lyotard and Thébaud, *Just Gaming*, p. 72.

9. Hannah, Arendt, *The Human Condition* (1958; Chicago: University of Chicago Press, 1998, pp. 179–80).

10. I refer here only to still photographs rather than television images, which create a new type of here and now. On the new status of television images see Thomas Keenan, "Publicity and Indifference: Media, Surveillance, 'Humanitarian Intervention,'" in Thomas Y. Levin, Ursula Frohne, and Peter Weibel (eds.), *Ctrl [Space]: Rhetorics of Surveillance from Bentham to Big Brother* (Cambridge, MA: MIT Press, 2002).

11. In reference to time, see Benjamin's "On the Concept of History," *Selected Writings, Volume 4, 1938–1940* (Cambridge, MA: Belknap Press of Harvard University Press, 2003), where he writes of the past as the time of moral duty, and Hans Jonas, "The Imperative of Responsibility," in which Jonas writes about the future as the time of moral duty. Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics in the Technological Age* (Chicago: University of Chicago Press, 1984). In regard to space, see Luc Boltanski, *La souffrance à distance: Morale humanitaire, médias et politique* (Paris: A. M. Metaillie, 1993).

12. According to Hans Jonas, the anthropocentric dimension characterized ethics until modernism: "The ethical meaning belonged to the direct treatment of man by man, including his treatment of himself: all traditional ethics is anthropocentric." Jonas, *The Imperative of Responsibility*, p. 4.

13. *Ibid.*, pp. 5–6.

14. On this expression from Martin Heidegger's "The Age of the World Picture," in *The Question concerning Technology and Other Essays*, trans. William Lovitt (New York: Harper & Row, 1977), p. 134, see Ariella Azoulay, *Death's Showcase: The Power of Image in Contemporary Democracy*, trans. Ruvik Danieli (Cambridge, MA: MIT Press, 2001).

15. Heidegger, "The Age of the World Picture," pp. 129–30. Insertions within brackets are Heidegger's.

16. An analysis of photography's omnipresence in connection with a discussion of merchandise and the transformation of the entire world into merchandise could well be rewarding, although it would miss the crucial difference between the two. Merchandise is part of the world of labor and production, a significant part of which is established through contracts, agreements, and strictly defined employer-worker relations. Photography is fundamentally different.

17. While Heidegger described the modern era as the age of "conquering the world as picture" and Guy Debord described this era as "the society of spectacle" in (*The Society of Spectacle* [New York: Zone Books, 1995]), these two discussions, which speak of the omnipresence of the image in the modern era, do not explicitly address photography and the particular ramifications of the conquest of the world by means of it, although they both undoubtedly relate to the photographed image.

18. Even Israeli law, which once avoided the use of photography in actual court hearings, introduced it into the evidentiary hearing. See Tal Golan, "Learning to See: The Beginning of Visual Technologies in Medicine and Law," in *Law, Society and Culture*, Buchman Faculty of Law Series (Tel Aviv: Tel Aviv University, 2003).

19. The ban on photography is still exceptional in the Western world. Hiroshima and Nagasaki are famous examples where, during the first years of the American occupation, films were confiscated

20. Since the middle of the 1990s, following the terrorist attacks in Israel, and since 9/11 in the United States, newspapers occasionally report of photographers or citizens who have been asked to stop taking photos in different public areas. The fact that prior to these attacks terrorists gathered photographic information in open public space has led to attempts by a few police agencies to limit photographic activity, but as of yet, no law has been legislated.

21. In this respect, it is similar to power as described by Foucault. Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1980).

22. On photography as omnipresent, and used by "everyone," see Pierre Bourdieu, with Luc Boltanski, Robert Castel, Jean-Claude Chamboredon, and Dominique Schnapper, *Photography: A Middle-brow Art*, trans. Shaun Whiteside (Stanford, CA: Stanford University Press, 1990).

23. See Stefano Boeri, "Eclectic Atlases," *Documenta X Documents*, no. 3 (Stuttgart: Cantz, 1996). A distinct example is the controversy among various institutions over the number of participants in demonstrations seen from aerial photos, spawning various methods to interpret the visible. See Farouk El Baz, "Crowd Space—Bodies Count," *Wired*, June 2003.

24. This is true of the critical ones as well which attempt to depict the invention as the product of a period, rather than of a unique inventor.

25. Jonathan Crary has described the various instruments that were used to produce images on the eve of photography's emergence as the hegemonic means to mechanically obtain images. See Jonathan Crary, *Techniques of the Observer* (Cambridge, MA: MIT Press, 1992). Aïm Deüelle Lüski's "cameras" testify to some of the options repressed by the emergence of photography as we know it today. On his instruments see Chapter Six.

26. Despite the decision to confer the invention on the entire world, a patent was taken out in England on the invention of the daguerreotype, and for several years it was not accessible to everyone. See Elizabeth Eastlike, "Photography," in Alan Trachtenberg (ed.), *Classic Essays on Photography* (New Haven, CT: Leete's Island Books, 1980).

27. Dominique François Arago, "Report," in Trachtenberg (ed.), *Classic Essays on Photography*, p. 19.

28. *Ibid.*

29. Walter Benjamin briefly discusses this in "Little History of Photography," in *Selected Writings, Volume 2, 1927–1934*, eds. Michael W. Jennings, Gary Smith, and Howard Eiland (Cambridge, MA: Belknap Press of Harvard University Press, 1999).

30. Charles Baudelaire, who was dominant among those who opposed photography, wrote regarding the Salon of 1859 that a vengeful god had responded to wishes to reproduce nature with exactitude and nominated Daguerre as its messiah. From that moment on, he wrote, the whole society rushed like Narcissus to contemplate its trivial image on a metal plate. Charles Baudelaire, "Salon de 1859," in *Baudelaire: Oeuvres Completes*, vol. 2 (Paris: NRF Bibliothèque de la Pléiade, 1976), pp. 617–18.

31. For a discussion of the denial of the logic of photography, see my discussion of Aïm Deüelle Lüski's cameras in Chapter Six.

32. Arago, "Report," p. 24.

33. The invention is usually attributed to Daguerre, thus forgetting the contribution of those who contributed to its invention. To purchase the invention, the state paid both Daguerre and Nicéphore Niépce's son, Isidore.

34. The state paid for the invention, but did not take possession of it, thus renouncing both the monopoly it might have had by virtue of its purchase and the possibility of having the government play an explicit role in the processes of institutionalizing the invention. Although the state relinquished its rights to the invention, one must not underestimate its role in regard to photography and its functions. The purchase of the invention and the concurrent renunciation of any rights obtaining to this purchase entailed that both a national (French) and a universal stamp were at once imprinted on the invention. Thus, France sought to retain the spiritual monopoly, but also hoped to turn photography itself into a symbol of democratization. From its very beginning, photography had been presented as a gift given to the nation, a blessing bestowed on it, and a right granted it; to this day it has been conceived as an instrument with positive attributes of assistance and support.

35. On this choice see Michel Frizot (ed.), *A New History of Photography* (Cologne: Könemann, 1998) and Geoffrey Batchen, *Burning with Desire* (Cambridge, MA: MIT Press, 1999).

36. I base my argument here on many conversations I have had with journalistic photographers, some of whom are published in *Death's Showcase*, as well as on an ongoing analysis of press photos.

37. Jacques Lacan, *The Four Fundamental Concepts of Psychoanalysis*, ed. Jacques-Alain Miller, trans. Alan Sheridan (New York: Norton, 1978), p. 253.

38. For more on this subject, see my discussion of Roni Kempler, who happened to document Rabin's assassination, in *Death's Showcase*, pp. 171–75.

39. On the disrupted process of secularization with regard to art and sovereign rule, see *ibid.*, pp. 266–86.

40. Since the 1980s, museums have started to work consistently with photography as photography. Previously, photographs in museum spaces were frequently used as a reference, remainder, or sometimes even a type of relic of artistic events. By the 1980s, however, the photographic image began to receive a different treatment, along with the opening of new museum wings devoted to photography that officially established photography's representation in museum contexts.

41. On the political economy of the museum, see Ariella Azoulay, *Training for Art* [in Hebrew] (Tel Aviv: The Porter Institute for Poetics and Semiotics, Tel Aviv University, Hakibbutz Hameuchad, 1999).

42. The English version, *Mythologies*, trans. Annette Lavers (New York: Hill and Wang, 1972), contains only essays selected from the original by the translator. The "Shock-Photos" essay is included in Roland Barthes, *The Eiffel Tower and Other Mythologies*, trans. Richard Howard (New York: Hill and Wang, 1977), pp. 71–73.

43. *Ibid.*, p. 71

44. *Ibid.*

45. *Ibid.*

46. I rely here on Deleuze's concept of a pure event. A pure event does not happen in space and time, but is an a priori form of all the possible realizations within a given set of relations, like the infinitive form of a verb. See Deleuze, *The Logic of Sense*. See also my reading of the collapse of the Twin Towers in terms of a pure event in "A Moment of Quiet, Please, the Disaster Would Like to Say Something," *(a): the journal of culture and the unconscious* 2, no. 1 (2002).

47. Crary's use of the term "observer" does not pertain to photography. See *Techniques of the Observer*.

48. *Merriam-Webster's Collegiate Dictionary*, 11th ed., s.v. "spectator."

49. Throughout this work on the civil contract, I am trying to show that photography is embedded in a complex system of power relations that undermine any attempt to demonstrate a unidirectional flow of power from the camera to the photographed subjects.

50. Out of over seven hundred plates in which Muybridge deals with the dissection of motion, two-thirds are devoted to the human body. Most of the subjects are in the nude and in positions that arouse no less wonder than the image of the woman spanking the boy: a woman undressing another woman, a woman crawling on all fours, and so on. On the gender bias of his photographs — men are photographed in displays of power and strength as weightlifters and other athletes, whereas women are shown in absurd and humiliating postures — see Janine A. Mileaf, "Poses for the Camera: Eadweard Muybridge's Studies of the Human Figure," *American Art: The Journal of the Smithsonian's American Art Museum* 16, no. 3 (2002). Mileaf analyzes Muybridge's photographs and his own pronouncements regarding his models: "If the men provided a standard of achievement, then the women served as a standard of the mundane" (p. 7). See also Rebecca Solnit, *River of Shadows: Eadweard Muybridge and the Technological Wild West* (New York: Viking, 2003).

51. On sexuality under the Victorian regime, see Michel Foucault, *The History of Sexuality, Volume 1: An Introduction*, trans. Robert Hurley (New York: Vintage, 1980).

52. Benjamin, "Little History of Photography," in *Selected Writings, Volume 2*, p. 510.

53. Giselle Freund describes the dramatic decrease in photographic costs with the invention of calling cards by Andre-Adolphe-Eugene Disderi, who replaced metal with glass plates and thus slashed the cost from 100 to 20 francs. In addition he divided the negative into twelve pictures, so the photographed subject could get several copies of his image. Gisèle Freund, *Photographie et société* (Paris: Seuil, 1996), pp. 56–57.

54. On the beginning of identity picture see Allan Sekula, "The Body and the Archive," in Richard Bolton (ed.), *The Contest of Meaning* (Cambridge, MA: MIT Press, 1989). On the abuse of identity picture in political violence see Jean-Luc Nancy, *Being Singular Plural*, trans. Robert O. Richardson and Anne E. O'Byrne (Stanford, CA: Stanford University Press, 2000).

55. Brian Wallis notes that the population of Columbia at the time included five thousand whites who owned a total of one hundred thousand slaves. Brian Wallis "Black Bodies, White Science: Louis Aggasiz's Daguerreotypes," in Coco Fusco and Brian Wallis (eds.) *Only Skin Deep: Changing Visions of the American Self* (New York: Harry Abrams, 2003), p. 170.

56. Elinor Reichlin, "Survivors of a Painful Epoch: Six Rare Pre-Civil War Daguerreotypes of Southern Slaves," undated, Archive, Peabody Museum, Harvard University. The photographs were discovered by Reichlin in the storerooms of the Peabody Museum in 1975.

57. For an analysis of the pictures, see Wallis, "Black Bodies, White Science"; Sandra S. Phillips, Mark Haworth-Booth, and Carol. Squiers (eds.), *Police Pictures:*

The Photograph as Evidence (San Francisco: Chronicle Books, 1997); Melissa Banta, *A Curious and Ingenious Art: Reflexions on Daguerreotypes at Harvard* (Iowa City: University of Iowa Press, 2000); and Manning Marable and Leith Mullings, *Freedom: A Photographic History of the African American Struggle* (London: Phaidon, 2002).

58. Wallis quotes from a letter written by Agassiz to his mother detailing his repulsion and shock at his first meeting with a black person, but there is no mention of his encounter with the slaves on the plantation. Wallis, "Black Bodies, White Science," p. 167.

59. As Carrie Mae Weems wrote in the text she superimposed on the photograph of Drana and Delia in her work *From Here I Saw What Happened and I Cried* (1995–96), "YOU BECAME A SCIENTIFIC PROFILE." For the series, see www.moma.org/collection/browse_results.php?object_id= 45579 (last accessed March 23, 2007).

60. The museum prohibits viewings of the daguerreotypes themselves, even for purposes of research, and anything written about them is based exclusively on reproductions.

61. Wallis, "Black Bodies, White Science," p. 178. On the participation of blacks in the nascent practice of photography, and more specifically on the use of photography in the production of abolitionist pamphlets by the African American abolitionist and daguerreotypist James Presley Ball, see Deborah Willis, *Reflections in Black* (New York: W. W. Norton, 2000).

62. Wallis, "Black Bodies, White Science," p. 170.

63. On the use of sexual violence in the exclusion of black women from citizenship, see Louise Michele Newman, *White Women's Rights: The Racial Origins of Feminism in the United States* (New York: Oxford University Press, 1999).

64. On the vulnerability of women slaves and the helplessness of their husbands in the face of their sexual violation, see Deborah Gray White, *Aren't I a Woman?: Female Slaves in the Plantation South* (New York: W. W. Norton, 1985); Linda Brent, *Incidents in the Life of a Slave Girl*, ed. Lydia Maria Child (San Diego: Harcourt Brace Jovanovich, 1973); and Patricia, C. McKissack, *A Picture of Freedom: The Diary of Clotee, a Slave Girl* (New York: Scholastic Inc., 1997).

65. On this matter, see also the brief discussion by Judith Butler, following Orlando Patterson's research, in *Antigone's Claim: Kinship between Life and Death* (New York: Columbia University Press, 2002), pp. 73–74.

66. On the violation of men's and fathers' capacity to protect their wives and children see White, *Aren't I a Woman?*, and Willie Lee Rose, *Slavery and Freedom*, ed. William Freehling (Oxford: Oxford University Press, 1982).

67. Their posture resembles the way other weak populations were photographed scientifically in the nineteenth century. See Sekula, "The Body and the Archive"; Carol Squiers, *Overexposed: Essays on Contemporary Photography* (New York: The New Press, 1999); James C. Faris, *Navajo and Photography: A Critical History of the Representation of an American People* (Salt Lake City: University of Utah Press, 2003); and Georges Didi-Huberman, *Invention de l'hystérie: Charcot et l'iconographie photographique de la Salpêtrière* (Paris: Macula, 1995).

68. Reichlin also claims that her eyes are tearful. However, the seeming tears are most probably a very common effect of daguerreotype portraits made in this period, when extended exposure resulted in a misting over of the eyes of the photographed people.

69. Shortly after writing about these images, I came on a paper published by African Americans in New York at the end of the 1840s and edited by Frederick Douglass. A passage from a text published there describes the opportunities that were opened up for the black population through their use of the daguerreotype: "It is one of the best answers to the charge of natural inferiority we have lately met with." Willis, *Reflections in Black*, p. 6. The photographed slaves, who couldn't have read this passage, seem to have recognized this possibility in the setup of the studio and the photographic ceremony, as witnessed by their posture in front of the camera.

70. White, *Aren't I a Woman?* p. 32.

71. In this context, it is worth mentioning the photograph of the scourged back taken thirteen years later, which is also a rare instance of visual traces of the white man's cruelty toward the body of his slaves.

Chapter Four: Emergency Claims

1. On the fantasy of the new age see my discussion of 9/11 in Ariella Azoulay, "A Moment of Quiet, Please, the Disaster Would Like to Say Something," *(a): the journal of culture and the unconscious* 2, no. 1 (2002).

2. Professionals involved in covering the war — news editors, journalists, photographers, politicians, and even editorial-page writers — all have used variations of these terms. See Andrew Hoskins, *Televising War: From Vietnam to Iraq* (London: Continuum, 2004).

3. Susan Sontag, *Regarding the Pain of Others* (New York: Picador, 2003), p. 66.

4. *Ibid.*, p. 67. See also the various articles on the torture photographs of Iraqi prisoners collected in *Abu Ghraib: The Politics of Torture*, The Terra Nova Series (Berkeley, CA: North Atlantic Books, 2004).